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# भारत का राजपत्र

## The Gazette of India

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सं. 12] नई दिल्ली, मार्च 13—मार्च 19, 2011, शनिवार/फाल्गुन 22—फाल्गुन 28, 1932  
No. 12] NEW DELHI, MARCH 13—MARCH 19, 2011, SATURDAY/PHALGUNA 22—PHALGUNA 28, 1932

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्यिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 मार्च, 2011

का.आ. 757.—केंद्रीय सरकार एतद्वारा अपराध प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य के बिजनौर, अलीगढ़, गोरखपुर तथा लखनऊ में विशेष पुलिस स्थापना (सी.बी.आई.) द्वारा संस्थापित निम्नोक्त मामले जिन्हें परीक्षण न्यायालयों में अन्वेषण हेतु उन्हें सौंपा गया है तथा अपीलीय/पुनरीक्षण या विधि द्वारा स्थापित पुनरीक्षण या अपीलीय न्यायालयों के मामले या इनसे उद्भूत अन्य मामलों का संचालन करने के लिए श्री के.पी. सिंह, वकील को विशेष लोक अभियोजक के रूप में नियुक्त करती है :—

क्र.सं.	नियमित केस सं.	न्यायालय का नाम
1.	आरसी. 2/2008 ई.ओ.यू. V	एडीएसजे-III, बिजनौर
2.	आरसी. 3/2008 ई.ओ.यू. V	न्यायिक मजिस्ट्रेट-II, अलीगढ़
3.	आरसी. 4/2008 ई.ओ.यू. V	एडीजे-I, अलीगढ़
4.	आरसी. 7/2008 ई.ओ.यू. V	एसजे, गोरखपुर
5.	आरसी. 8/2008 ई.ओ.यू. VI	विशेष न्यायाधीश अयोध्या प्रकरण, लखनऊ
6.	आरसी. 10/2008 ई.ओ.यू. VI	विशेष न्यायाधीश भ्रष्टाचार निवारण केंद्रीय लखनऊ

[सं. 225/19/2010-ए वी डी-II]

वी. एम. रत्नम्, उप सचिव

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 10th March, 2011

**S. O. 757.**—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri K. P. Singh, Advocate as Special Public Prosecutor for conducting prosecution of following cases instituted by the Delhi Special Police Establishment (CBI) in the State of Uttar Pradesh at Bijnor, Aligarh, Gorakhpur and Lucknow as entrusted to him by the Central Bureau of Investigation in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law:—

Sl. No. :	Regular Case Nos.	Name of the Court
1.	RC 2/2008 EOU. V	AD SJ-III, Bijnor.
2.	RC 3/2008 EOU. V	Judicial Magistrate-II, Aligarh
3.	RC 4/2008 EOU. V	ADJ-1, Aligarh.
4.	RC 7/2008 EOU. V	SJ, Gorakhpur.
5.	RC 8/2008 EOU. VI	Spl. Judge, Ayodhya Prakkaran, Lucknow
6.	RC 10/2008 EOU. IV	Spl. Judge, Anti Corruption Central Lucknow

[No. 225/19/2010-AVD-II ]

V. M. RATHNAM, Dy. Secy.

## वित्त मंत्रालय

(वित्तीय सेवा एवं विभाग )

नई दिल्ली, 11 मार्च, 2011

**का.आ. 758.**—रुण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उपधारा (2) के साथ पठित धारा 4 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एस.के. रुंगता को पदभार ग्रहण करने की तारीख से तीन वर्षों की अवधि के लिए अथवा उनके 65 वर्ष की आयु प्राप्त कर लेने तक अथवा औद्योगिक और वित्तीय पुनर्निर्माण बोर्ड (बीआईएफआर) के समापन तक अथवा अगले आदेश होने तक, इनमें से जो भी पहले हो, बीआईएफआर के सदस्य के रूप में नियुक्त करती है।

[ संख्या 20 (1)/2004-आईएफ-2 (भाग 2) ]

राजीव शर्मा, अवर सचिव

## MINISTRY OF FINANCE

(Department of Financial Services )

New Delhi, the 11th March, 2011

**S. O. 758.**—In exercise of the powers conferred by sub-section (2) of Section 4 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby appoints Shri S. K. Roongta as Member, Board for Industrial and Financial Reconstruction (BIFR) for three years, with effect from the date of assumption of the charge of the post or till they attain the age of 65 years or till the abolition of BIFR or until further orders, whichever event occurs the earliest.

[No. 20 (1)/2004-IF- II (Part.-2) ]

RAJIV SHARMA, Under Secy.

नई दिल्ली, 11 मार्च, 2011

**का.आ. 759.**—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9 के उपखंड (1) और (2) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, श्री वी.बी. चौक्न (जन्म तिथि 15-01-1954), वरिष्ठ प्रबंधक, बैंक आफ बड़ौदा को अधिसूचना की तारीख से अथवा उसके बाद पदभार ग्रहण करने की तारीख से तीन वर्षों

की अवधि के लिए अथवा जब तक वे बैंक आफ बड़ौदा के अधिकारी के रूप में अपना पदभार नहीं छोड़ देते अथवा अगले आदेशों तक, इनमें से जो भी पहले हो, बैंक आफ बड़ौदा के निदेशक मण्डल में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है।

[ फा. सं. 6/38/2010-बीओ-1 ]

समीर के. सिन्हा, निदेशक

New Delhi, the 11th March, 2011

**S. O. 759.**—In exercise of the powers conferred by clause (f) of sub-section (3) of Section 9 of The Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) & (2) of clause 9 of The Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri V. B. Chavan (DOB : 15-01-1954), Senior Manager, Bank of Baroda, as Officer Employee Director on the Board of Directors of Bank of Baroda for a period of three years from the date of notification or until he ceases to be an officer of the Bank of Baroda or until further orders, whichever is the earliest.

[ F. No. 6/38/2010-BO. 1 ]

SAMIR K. SINHA, Director

मुख्य आयुक्त का कार्यालय, केन्द्रीय उत्पाद एवं सेवा कर, रांची प्रक्षेत्र

पटना, 10 फरवरी, 2011

संख्या 1/2011

**का. आ. 760.**—भारत सरकार के वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना 33/94-कस (एन.टी.) दिनांक 01-07-1994 के अंतर्गत प्रदत्त अधिकार के निर्वहन में झारखण्ड राज्य के लातेहार जिला के चंदवा तहसील में टोरी क्षेत्र के निम्नांकित ग्रामों को सीमा शुल्क अधिनियम 1962 की धारा 9 के अंतर्गत वेयरहाउसिंग स्टेशन के रूप में एतद्वारा अधिसूचित किया जाता है।

1. चकला
2. चतरा
3. महुआ मिलन
4. अनगरहा
5. अरधे

[ पंजिका संख्या V(30)10/सी सी ओ/पैट/टेक/एस्सार/11 ]

विस्वजीत दत्त, मुख्य आयुक्त

**OFFICE OF THE CHIEF COMMISSIONER, CENTRAL EXCISE AND SERVICE TAX,  
RANCHI ZONE**

Patna, the 10th February, 2011

No. 1/2011

**S. O. 760.**—In exercise of the powers conferred by Notification 33/94-CUS (NT) dated 01-07-94 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, following villages at Tori, in the Tehsil Chandawa & Dist.-Latehar of the state of Jharkhand, are hereby declared to be warehousing stations under Section 9 of the Customs Act, 1962 (52 of 1962).

1. Chakla
2. Chatro
3. Mahua Milan
4. Angarha
5. Ardhe

[ C. No. V(30) 10/CCO/Pat/Tech/Essar/11 ]

BISWAJIT DATTA, Chief Commissioner

**सूचना एवं प्रसारण मंत्रालय**

नई दिल्ली, 3 मार्च, 2011

**का. आ. 761.**—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक अधिसूचना के क्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार प्रोफेसर थुम्पामोन थॉमस, टी.सी. 4/1901, पंडित कॉलोनी, कादियार, तिरुवनंतपुरम-695003, केरल को दो वर्षों की अवधि के लिए या अगले आदेशों तक, इनमें से जो भी पहले हो, केन्द्रीय फ़िल्म प्रमाणन बोर्ड के तिरुवनंतपुरम सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/6/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फ़िल्म)

**MINISTRY OF INFORMATION AND BROADCASTING**

New Delhi, the 3rd March, 2011

**S. O. 761.**—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Prof. Thumpamon Thomas, T.C. 4/1901, Pandit Colony, Kawdiar, Thiruvananthapuram-695003, Kerala as a member of the Thiruvananthapuram Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/6/2009-F (C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 3 मार्च, 2011

**का. आ. 762.**—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक अधिसूचना के क्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार डॉ. अमरनाथ दुबे, 7, जगदीश भुवन, कोलडोंगरी, सहर रोड, अंधेरी (ईस्ट), मुंबई-400069 को दो वर्षों की अवधि के लिए या अगले आदेशों तक, इनमें से जो भी पहले हो, केन्द्रीय फ़िल्म प्रमाणन बोर्ड के मुंबई सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/7/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फ़िल्म)

New Delhi, the 3rd March, 2011

**S. O. 762.**—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Dr. Amarnath Dube, 7, Jagdeesh Bhuvan, Koldongri, Sahar Road, Andheri (East), Mumbai-400 069 as a member of the Mumbai Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/7/2009-F (C)]

AMITABH KUMAR, Director (Films)

नई दिल्ली, 4 मार्च, 2011

**का. आ. 763.**—इस मंत्रालय की दिनांक 10-11-2009 की समसंख्यक अधिसूचना के क्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री बनामा वेंकटेश्वरलू, हाउस नं. 3-409, बी.जी. रोड, समुख एमसी, गांव चित्याल, जिला नालगोंडा (आंध्र प्रदेश) को दो वर्षों की अवधि के लिए या अगले आदेशों तक, इनमें से जो भी पहले हो, केन्द्रीय फ़िल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फा. सं. 809/3/2009-एफ (सी)]

अमिताभ कुमार, निदेशक (फ़िल्म)

New Delhi, the 4th March, 2011

**S. O. 763.**—In continuation of this Ministry's Notification of even number, dated 10-11-2009 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Shri Vanama Venkateswarlu, H. No. 3-409, B. G. Road, Opp. AMC, Village Chityal, District Nalgonda (Andhra Pradesh) as a member of the Hyderabad Advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/3/2009-F (C)]

AMITABH KUMAR, Director (Films)

### स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 18 फरवरी, 2011

**का. आ. 764.**—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद, अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद से परामर्श करके, अहंता की नामावली में परिवर्तन के कारण उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, नामतः—

उक्त प्रथम अनुसूची में “मान्यता प्राप्त चिकित्सा अहंता” [कालम (2)] में और “राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर, कर्नाटक” के सामने “पंजीकरण के लिए संक्षिप्त रूप” शीर्षक के अंतर्गत [कालम (3)] में निम्नलिखित को अंतर्विष्ट किया जाएगा, नामतः—

(2)

“बैचलर ऑफ मेडिसिन तथा बैचलर ऑफ सर्जरी

(3)

एम.बी.बी.एस.

(बेलगाम आयुर्विज्ञान संस्थान, बेलगाम, कर्नाटक में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर, कर्नाटक द्वारा दिसम्बर, 2010 में या इसके बाद प्रदान की गई चिकित्सा अहंता मान्यताप्राप्त होगी।)

[सं. यू-12012/93/2004-एम ई (पी-II)]

अनीता त्रिपाठी, अवर सचिव

### MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 18th February, 2011

**S. O. 764.**—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule against “Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka” under the heading ‘Recognized Medical Qualification’ [in column (2)] and under the heading ‘Abbreviation for Registration’ [in column (3)], the following shall be inserted, namely :—

(2)

“Bachelor of Medicine and Bachelor of Surgery

(3)

M.B.B.S.

(This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka on or after December 2010 in respect of students trained at Belgaum Institute of Medical Sciences, Belgaum, Karnataka).

[No. U-12012/93/2004-ME(P-II)]

ANITA TRIPATHI, Under Secy.

## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

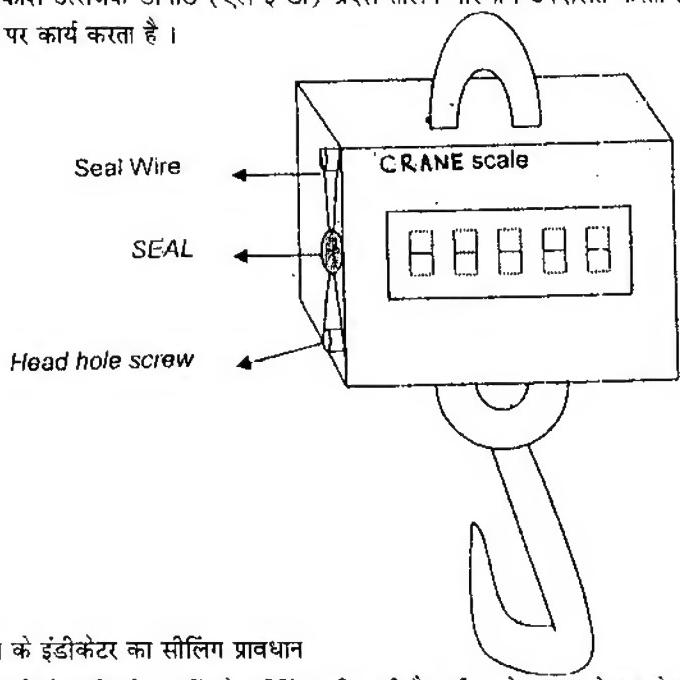
(उपभोक्ता मामले विभाग)

नई दिल्ली, 22 नवम्बर, 2010

**का.आ. 765.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसार जय किशन इंडस्ट्रिज, 21/2, जोनी मंडी, जोहन्स मिल नं. 4, आगरा, 282004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “जे के सी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (क्रेन टाइप) में मॉडल का, जिसके ब्रांड का नाम “जे के” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/55 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रेन टाइप) है। इसकी अधिकतम क्षमता 5000 कि.ग्रा. है और न्यूनतम क्षमता 20 कि. ग्रा. सत्यापन और मापमान अंतराल (ई) 1 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल के इंटीकेटर का सीलिंग प्रावधान

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले के दार्थी ओर/बायरीं और सीलिंग की जाती है। सील के साथ जुड़े हुए दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 30 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^8$  और  $2 \times 10^8$ ,  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (51)/2010]

बी. एन. दीक्षित, निदेशक, विधिक भाषा विज्ञान

## MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

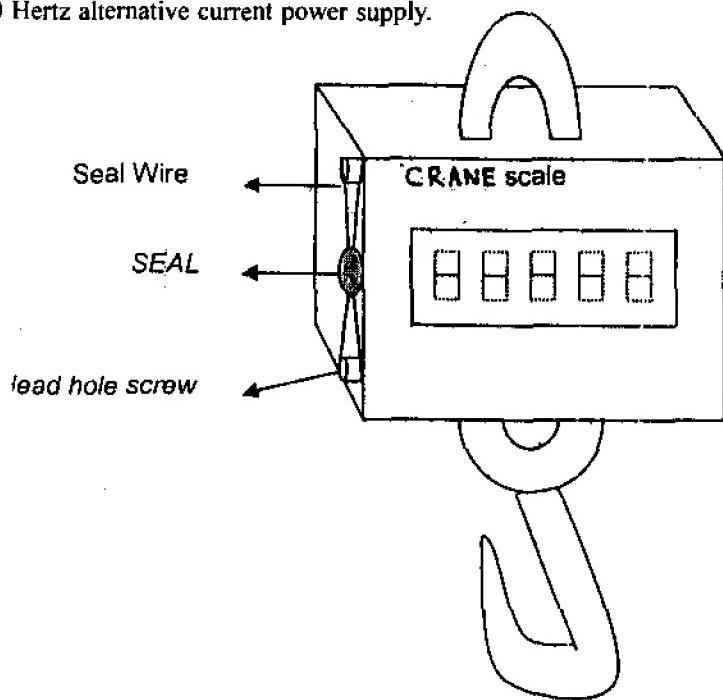
(Department of Consumer Affairs)

New Delhi, the 22nd November, 2010

**S.O. 765.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Crane Type) with digital indication of medium accuracy (Accuracy class-III) of series "JKC" and with brand name "J. K." (hereinafter referred to as the said model), manufactured by M/s. Jai Kishan Industries, 21/2, Jeoni Mandi, John's Mill No-4, Agra-282004 and which is assigned the approval mark IND/09/10/55;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Crane type) with a maximum capacity of 5000kg, and minimum capacity of 20kg. The verification scale interval (*e*) is 1 kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



Sealing is done on the right side/left side of the display by passing sealing wire from the body of the display. The seal is connected by seal wire passing through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

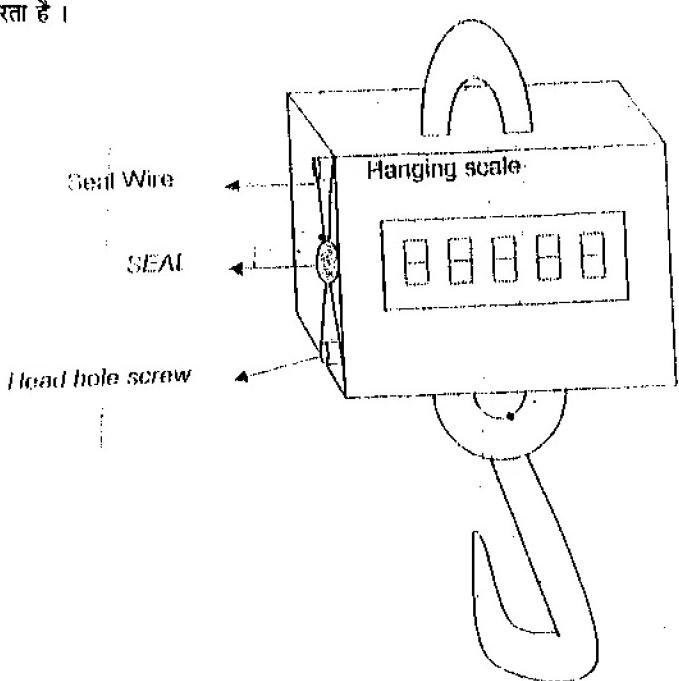
The Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity range from 50kg and up to 30 tonne with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g or more and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

नई दिल्ली, 22 नवम्बर, 2010

का.आ. 766.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, मैसैर्स जय किशन इंडस्ट्रीज, 21/2, जोने घंडी, जोहन्स मिल नं. 4, आगरा-282004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जे के ऐच” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (हैंगिंग स्केल टाइप) के मॉडल का, जिसके ब्रांड का नाम “जे के” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/54 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (हैंगिंग स्केल टाइप) है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

बाटम प्लेट के हैड होल्स, टाप कवर और स्टैम्पिंग प्लेट में से सील वायर निकाली जाती है। दूसरे उदाहरण में साइड कवर और बाटम प्लेट के होल्स में से वायर निकाली जाती है और तब इसे बायरों तरफ सील किया जाता है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए.डी. कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 0.1 ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$ ,  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (51)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd November, 2010

**S.O. 766.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Hanging Scale Type) with digital indication of Medium Accuracy (Accuracy class-III) of series "JKH" and with brand name "J. K." (hereinafter referred to as the said model), manufactured by M/s. Jai Kishan Industries, 21/2, Jeoni Mandi, John's Mill No-4, Agra-282004 and which is assigned the approval mark IND/09/10/54;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Hanging Scale type) with a maximum capacity of 400kg and minimum capacity of 400g. The verification scale interval ( $e$ ) is 20 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

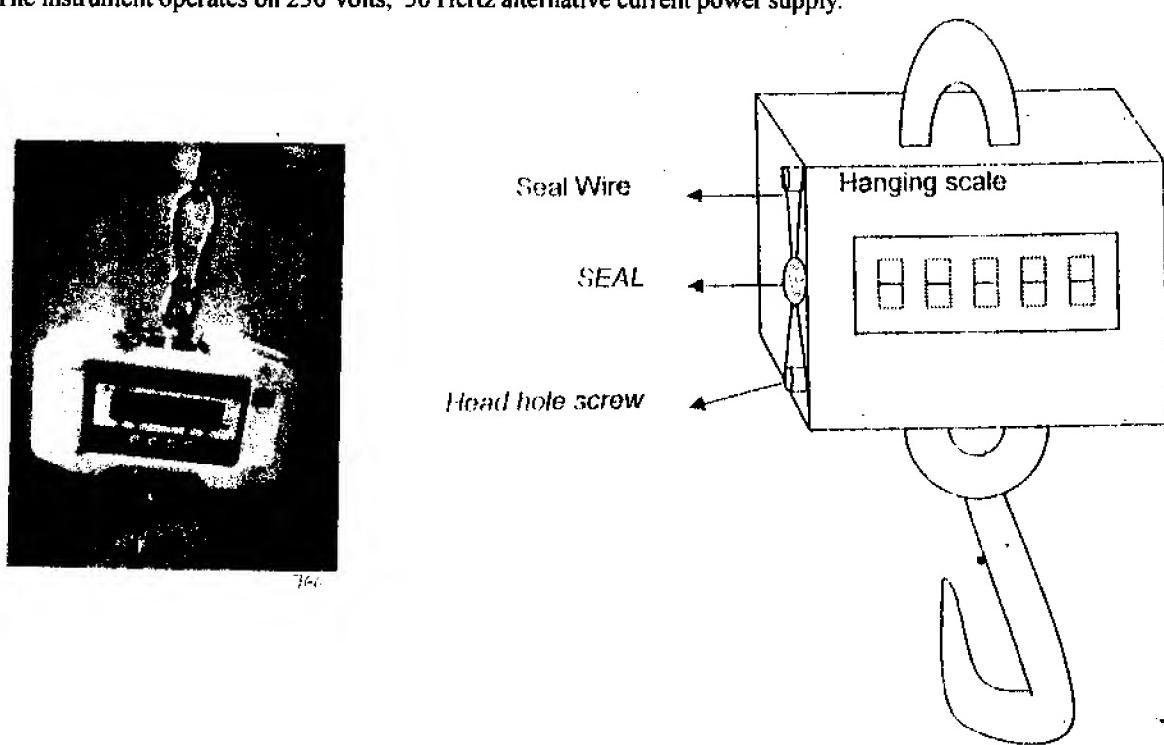


Figure- 2 Schematic diagram of sealing provision of the model

Seal wire passes through head holes of bottom plate, top cover and stamping plate. In the second instance, wire is passed through the holes in the side cover and bottom plate and then sealed at left side. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in the main/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity up to 1000kg and with number of verification scale interval ( $n$ ) in the range of 100 to 10000 for ' $e$ ' value of 0.1g to 2g and with number of verification scale interval ( $n$ ) in the range of 500 to 10,000 for ' $e$ ' value of 5g or more and with ' $e$ ' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ ,  $k$  is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with, the same materials with which, the approved Model has been manufactured.

[ F. No. WM-21 (51)/2010]

B. N. DIXIT, Director of Legal Metrology

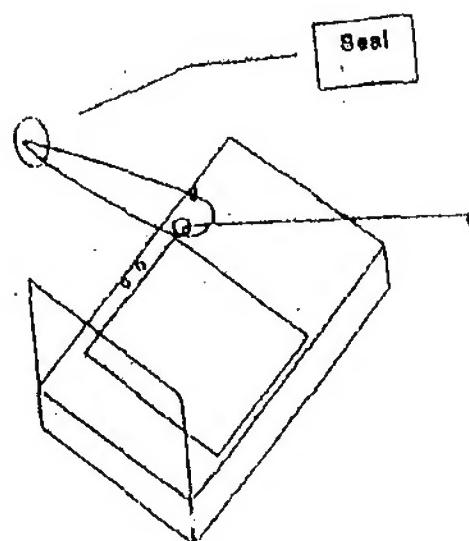
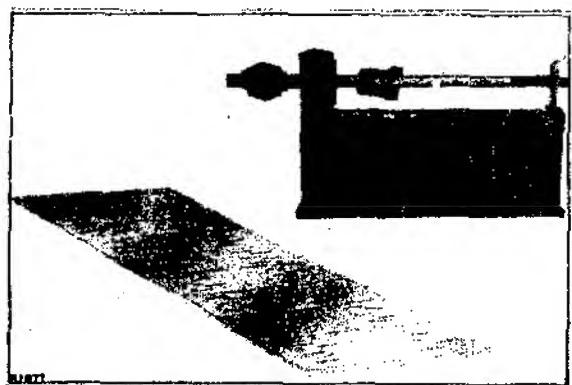
नई दिल्ली, 27 जनवरी, 2011

**का.आ. 767.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों को प्रयोग करते हुए, भैसर्स विक्टोरियस इंजीनियरिंग वर्क्स, इंडस्ट्रियल एरिया, पतनवा, राम नगर, जिला चंदौली, उत्तर प्रदेश द्वारा विनिर्मित पद्धम यथार्थता (यथार्थता वर्ग-III) बाले “वी एम डब्ल्यू-30टी” शृंखला के अस्वचालित तोलन उपकरण (मैकैनिकल वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम “फास्टरेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/471 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल मास मेजरिंग उपकरण के साथ मैकैनिकल लोवर्स आधारित अस्वचालित तोलन उपकरण (मैकैनिकल वेब्रिज) है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि. ग्रा. है। तोलन परिणाम स्टील थार्ड तुलादण्ड पर सूचित होता है।

आकृति-1



### आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्टील थार्ड बीम के छेदों में से सीलिंग वायर निकाल कर सीलिंग की गई है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 100 टन तक की अधिकतम क्षमता बाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$ , या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (286)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th January, 2011

**S.O. 767.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Mechanical Weighbridge) of Medium Accuracy (Accuracy class-III) of series "VMW-30T" and with brand name "FASTRACK" (hereinafter referred to as the said model), manufactured by M/s. Victorious Engineering Works, Industrial Area, Patanwa, Ram Nagar, Distt. Chandauli, U.P. and which is assigned the approval mark IND/09/10/471;

The said model is a Mass Measuring Instrument incorporated with Mechanical Levers based non-automatic weighing instrument (Mechanical Weighbridge) with a maximum capacity of 30 tonne and minimum capacity of 100 kg. The verification scale interval ( $e$ ) is 5 kg. The weighing results are indicated with steel yard beams.

Figure-1

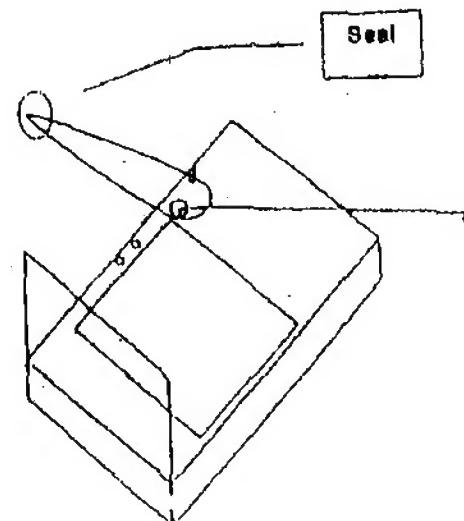
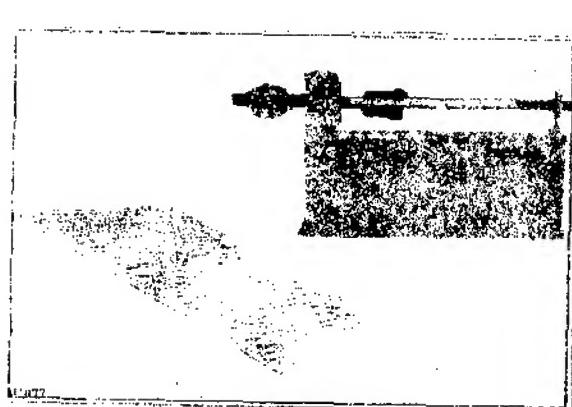


Figure 2—Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the steel yard beam through holes. A typical schematic diagram of sealing provision of the model is given above.

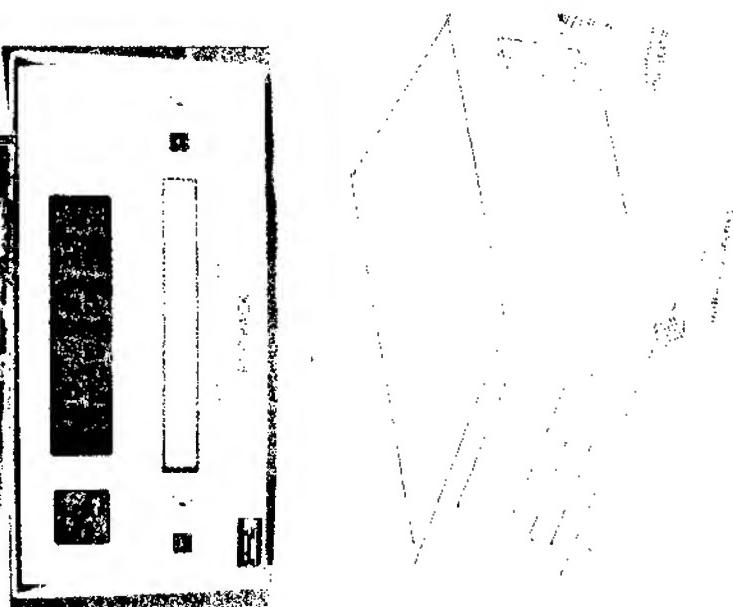
Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval ( $n$ ) in the range of 100 to 10,000 for ' $e$ ' value of 1 mg to 2g and with verification scale interval ( $n$ ) in the range of 500 to 10,000 for ' $e$ ' value of 5g or more and with ' $e$ ' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where  $k$  is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

नई दिल्ली, 27 जनवरी, 2011

**का.आ. 768.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए, सेसर्स विक्टोरियरिंग बर्क्स, इंडस्ट्रियल एरिया, पतनवा, राम नगर, जिला चंदौली, उत्तर प्रदेश द्वारा विनिर्मित मात्र्यम यथार्थता वर्ग-III) वाले “बी सी डब्ल्यू-30टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक कंवर्सन किट टाइप वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम “फास्टरेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/472 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

#### आकृति-1



आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. मा उससे अधिक के “ई” मान की लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$ , या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (286)/2010]

वी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th January, 2011

**S.O. 768.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Conversion Kit Type Weighbridge) with digital indication of Medium Accuracy (Accuracy class-III) of series "VCW-30T" and with brand name "FASTRACK" (hereinafter referred to as the said model), manufactured by M/s. Victorious Engineering Works, Industrial Area, Patanwa, Ram Nagar, Distt. Chandauli, U.P. and which is assigned the approval mark IND/09/10/472;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Conversion Kit Type Weighbridge) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (*e*) is 5 kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1



Figure 2—Schematic Diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole is base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

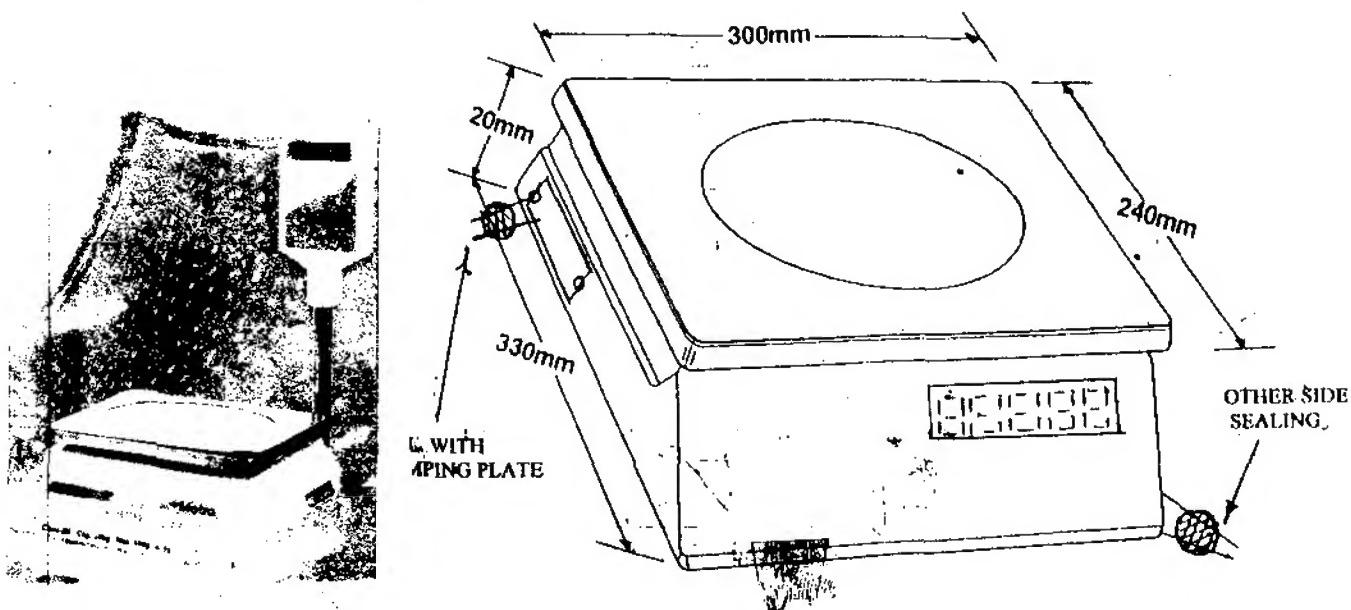
Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g. or above and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 28 जनवरी, 2011

**का.आ. 769.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए यैसर्व मेट्रो स्केल, शुक्रतारा अपार्टमेंट, गाला नं. 5, कुम्भारवाडा, कल्याण (वेस्ट)-421301 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एमटी-7" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के भौंडल का, जिसके ब्रांड का नाम "स्ट्रो" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/249 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसको अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनामक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति 2—उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाड़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप रिक्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^6$ ,  $2 \times 10^6$  और  $5 \times 10^6$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(155)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th January, 2011

**S.O. 769.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class -III) of series "MT-7" and with brand name "Metro" (hereinafter referred to as the said model), manufactured by M/s. Metro Scale, Shukratara Appt., Gala No. 5, Kumbharwada, Kalyan (W)-421301 and which is assigned the approval mark IND/09/10/249;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

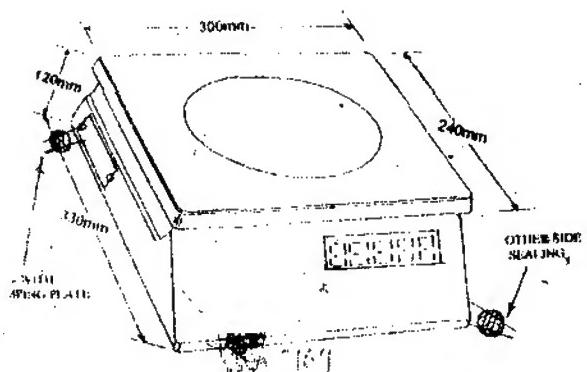


Figure 2—Schematic Diagram of Sealing provision of the Model

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The dip switch has also been provided in A/D card/mother board to disable access to external calibration.

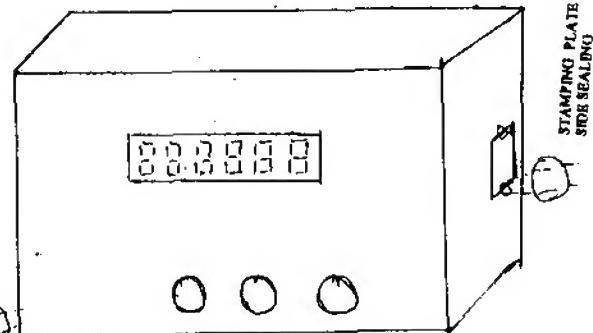
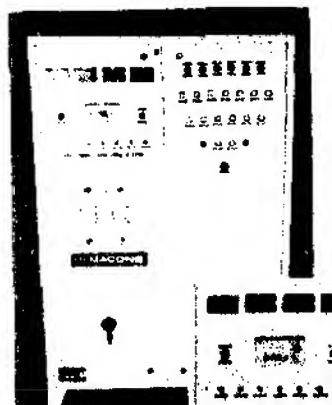
Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 1mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$ ,  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 28 जनवरी, 2011

**का.आ. 770.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;**

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स मैकॉन्स इंजीनियरस प्लाट नं. 07, महागुजरात इंडस्ट्रियल एस्टेट, मोरैया पटिया, गांव मोरैया, तह. सानन्द जिला अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग 0.2 वाले “मैकॉन्स-6” शृंखला के डिस्कर्टिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) अंकक सूचन सहित, के मॉडल का, जिसके ब्रांड का नाम “मैकॉन्स” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/123 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित डिस्कर्टिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 10 कि. ग्रा. है। मापमान अन्तराल (डी) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। कंप्यूटर मानीटर तोल परिणाम टाइप इंडीकेट करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रशाय पर कार्य करता है।



आकृति 2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले में से सीलिंग वायर निकाल कर सीलिंग की जाती है ताकि डिजीटर को सील हटाए बिना खोला न जा सके। मॉडल को सीलबद्ध करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम ऊपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 50 कि. ग्रा. से 5,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^6$ ,  $2 \times 10^6$ ,  $5 \times 10^6$ , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(95)/2010]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th January, 2011

**S.O. 770.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with digital indication of Accuracy class-0.2 of series "MACONS-6" and with brand name "MACONS" (hereinafter referred to as the said model), manufactured by M/s Macons Engineers Plot No. 07, Mahagujrat Industrial Estate, Moraiya Patia, Village Moraiya, Ta. Sanand Dist. Ahmedabad, Gujarat and which is assigned the approval mark IND/09/10/123;

The said model is a strain gauge type load cell based Discontinuous Totalizing Automatic weighing instrument (Totalizing Hopper Weigher) with a maximum capacity of 500 kg. and minimum capacity of 10 kg. The scale interval (d) is 100 g. It has a tare device with a 100 percent subtractive retained tare effect. The Computer Monitor Type indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model (Hopper)

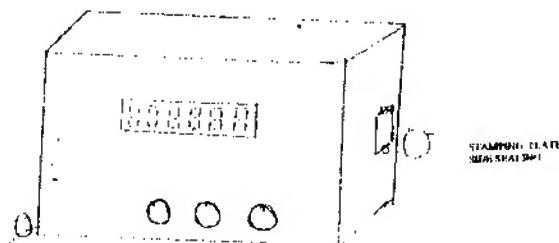
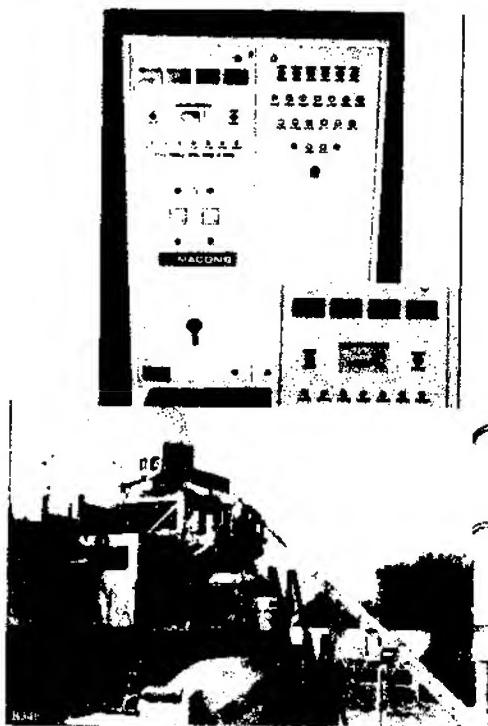


Figure-3 Sealing diagram

Sealing is done by passing the sealing wire through the display, so that after sealing digitizer can not be opened without removing seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said, Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacities in the range of 50kg. to 5000 kg. for 'e' value of 5 g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[ F.No.WM-21/(95)/2010]

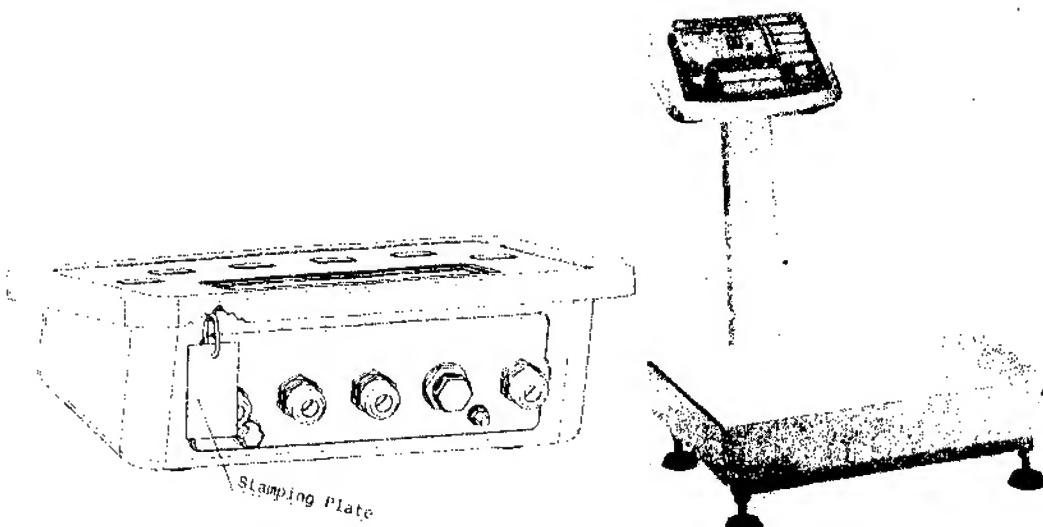
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 28 जनवरी, 2011

**का.आ. 771.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सरटोरियस मैक्ट्रोनिक्स इंडिया प्रा. लि., नं. 69/2 एंड 69/3, एनएच-48, जक्कसंदा, नीलमंगला, बैंगलूर-562123 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "मिडरिक्स" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का जिसके ब्रांड का नाम "सरटोरियस" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/445 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 10 कि. ग्रा. और न्यूनतम क्षमता 25 ग्रा. है। सत्यापन मापमान अंतराल (ई) 0.5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। बैकलिट लिक्विड क्रिस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योनजाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कलिब्रेशन तक पहुंच की सुविधा है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी साप्रगी से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 मि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^4$ ,  $2 \times 10^4$ ,  $5 \times 10^4$ , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(267)/2010]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th January, 2011

**S.O. 771.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class -II) of series "MIDRICS" and with brand name "SARTORIUS" (hereinafter referred to as the said model), manufactured by M/s Sartorius Mechatronics India Pvt. Ltd., No. 69/2 & 69/3, NH-48, Jakkasandra, Nelamangala, Bangalore-562123 and which is assigned the approval mark IND/09/10/445;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 10 kg. and minimum capacity of 25 g. The verification scale interval (e) is 0.5g. It has a tare device with a 100 percent subtractive retained tare effect. The backlit liquid crystal display (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

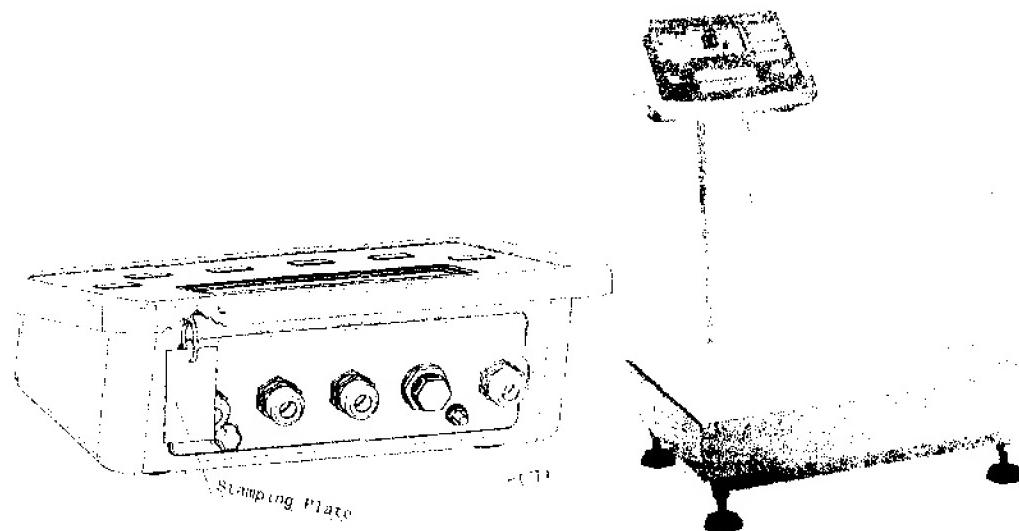


Figure-2 Schematic diagram of Sealing provision of the model

Sealing is done on the display by passing the sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with of verification scale interval (n) in the range of 100 to 10,0000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (in) in the range of 5000 to 100,000 for 'e' value of 100 mg. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[ F. No. WM-21/(267)/2010]

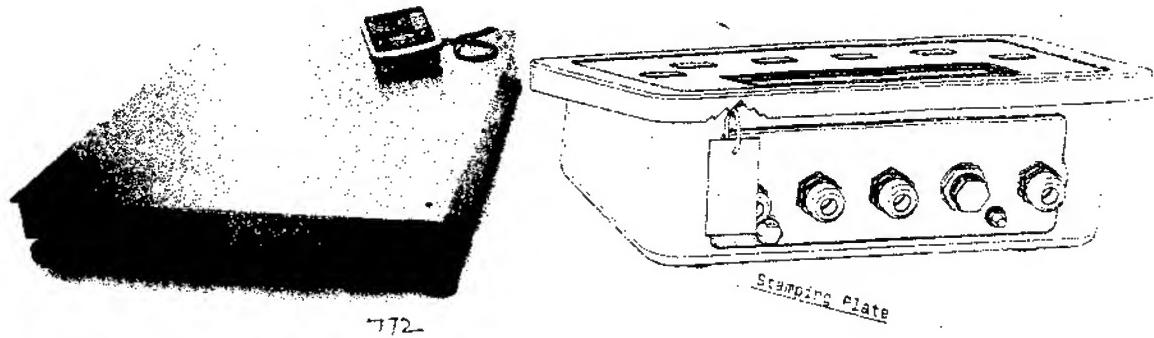
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 28 जनवरी, 2011

का.आ. 772.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स सरटोरियस मैक्ट्रोनिक्स इंडिया प्रा. लि., नं. 69/2 एंड 69/3, एनएच-48, जक्कसंद्रा, नीलमंगला, बैंगलूर-562123 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "मिडरिक्स" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "सरटोरियस" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/446 समतुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1500 कि. ग्रा. और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलनात्मक धारित आधेयतुलन प्रभाव है। बैकलिट लिकिवड क्रिस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपरर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



772-

### आकृति -2 मॉडल को सीलिंग करने का योनजावद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योनजावद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए एडी कार्ड/पदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी साप्रगी से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 0.1 ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^6$ ,  $2 \times 10^6$ ,  $5 \times 10^6$ , के हैं, जो घनात्मक या ऋणात्मक पूर्णांक शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(267)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th January, 2011

**S.O. 772.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of High Accuracy (Accuracy class -II) of series "MIDRICS" and with brand name "SARTORIUS" (hereinafter referred to as the said model), manufactured by M/s Sartorius Mechatronics India Pvt. Ltd., No. 69/2 & 69/3, NH-48, Jakkasandra, Nelamangala, Bangalore-562123 and which is assigned the approval mark IND/09/10/446;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1500kg. and minimum capacity of 2.5kg. The verification scale interval ( $e$ ) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The backlit Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

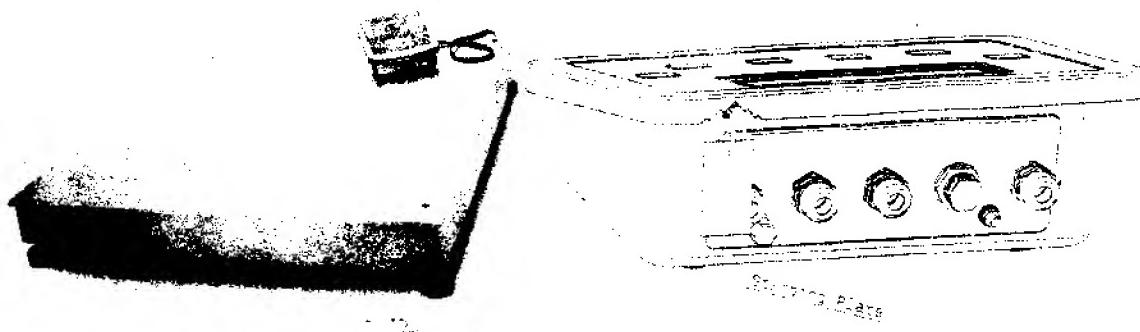


Figure-2 Schematic diagram of Sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

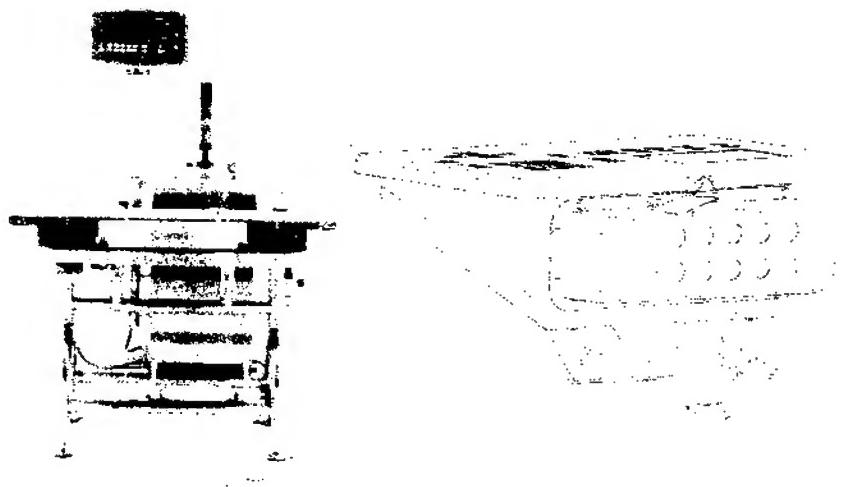
Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 5000kg. with verification scale interval ( $n$ ) in the range of 5000 to 100,000 for ' $e$ ' value of 0.1g. or more and with ' $e$ ' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , where  $k$  is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 28 जनवरी, 2011

का.आ. 773.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए ऐसी सरटोरियस मैक्ट्रोनिक्स इंडिया प्रा. लि., नं. 69/2 एंड 69/3, एनएच-48, जबकसंद्रा, नीलमंगला, बैंगलूर-562123 द्वारा विनिर्मित उच्च यथार्थता X (x) जहाँ x=1 वाले “इको चैक” शृंखला के स्वचालित कैच वेइंग उपकरण (चैक छोड़ीय) के मॉडल का, जिसके ब्रांड का नाम “सरटोरियस” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/447 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित कैच वेइंग उपकरण है इसको बैल्ट स्पीड 1 मीटर/सेकंड और बारंबारता 120 घैक्स/मिनट (अधिकतम) हैं। इसकी अधिकतम क्षमता 1200 ग्रा. और सत्यापन मापमान अंतराल (ई) 0.1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिकिवड क्रिस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



#### आकृति -2 मॉडल की सीलिंग करने का योनजाबद्ध डायग्राम

स्पेशल स्कू पर दिए गए होल और बाढ़ी में से सीलिंग वायर निकालकर इस वायर के अंत में लीड सील लगाई गई है जैसा कि ऊपर स्कैच में दिया गया है।

उपकरण में केलिब्रेशन के लिए बाहरी पहुंच है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माण द्वारा उसी मिद्दांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 6 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णक शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(267)/2010]  
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

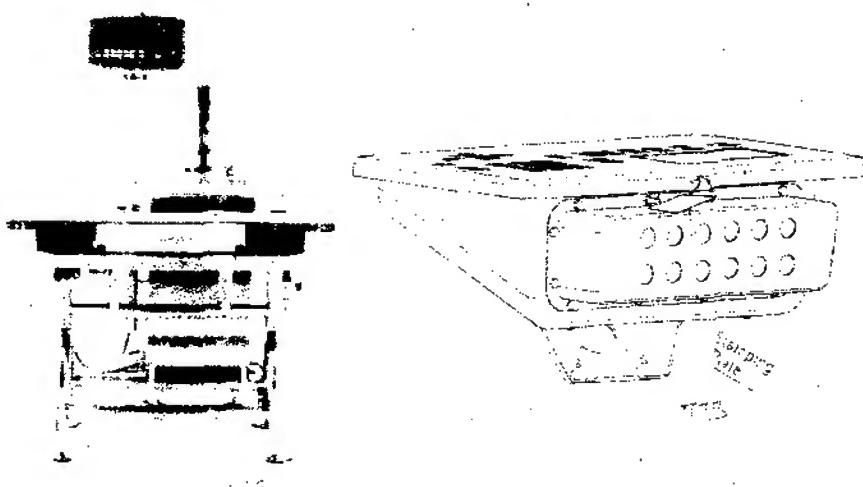
New Delhi, the 28th January, 2011

S.O. 773.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Catch Weighing Instrument (Check Weigher) belonging to accuracy class, X(x) where x=1, of 'ECO CHECK' series with brand name "SARTORIUS" (herein referred to as the said model), manufactured by M/s Sartorius Mechatronics India Pvt. Ltd., No. 69/2 & 69/3, NH-48, Jakkasandra, Nelamangala, Bangalore-562123 and which is assigned the approval mark IND/09/10/447;

The said model is a strain gauge type load cell based Automatic Catch Weighing Instrument with belt speed up to 1 metre/second with a frequency of 120 packs/min (max). It has maximum capacity 1200g and verification scale interval 'e' is 0.1g. It has a tare device with a 100 per-cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model



A sealing wire is passed through the body & hole provided at the special screw and a lead seal is applied at the end of this wire sketch as given below.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

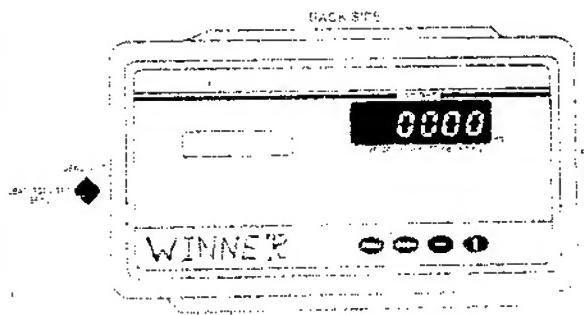
Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 6kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

नई दिल्ली, 31 जनवरी, 2011

**का.आ. 774.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स पि. डी. बालाजी विक्टरी स्केल्ज, 128/ए, कनाणी नगर, सैकेंड स्ट्रीट, कोलाथुर, चेन्नै-600099 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "विनर" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेंट्रिज) के मॉडल का, जिसके ब्रांड का नाम "विनर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/251 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण अंकक सूचन सहित (इलेक्ट्रॉनिक वेंट्रिज) है। इसकी अधिकतम क्षमता 40 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमाप अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन शुक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



#### आकृति -2 उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाड़ी के होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिड्डांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. मा उससे अधिक के "ई" मान की लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन. से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^8$ ,  $2 \times 10^8$  या  $5 \times 10^8$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(163)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st January, 2011

**S.O. 774.**—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accuracy class-III) of series "WINNER" and with brand name "WINNER" (hereinafter referred to as the said model), manufactured by M/s. Mr. D Balaji Victory Scales, 128/A, Kannagi Nagar, Second Street, Kolathur, Chennai-600099, and which is assigned the approval mark IND/09/10/251;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 40 tonne and minimum capacity of 100kg. The verification scale interval (*e*) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hz-Hertz alternative current power supply.

Figure 1

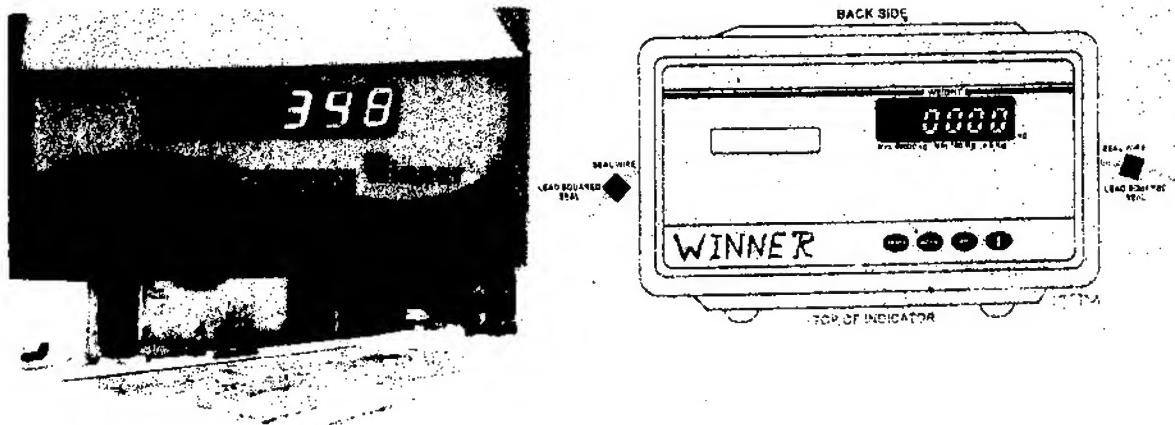


Figure 2 Schematic Diagram of sealing provision of the model

Sealing is done by passing the sealing wire from the body of the indicator through holes. A typical schematic diagram of sealing provision of the model is given above.

A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g or above, and with '*e*' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , where *k* is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[ F. No. WM-21(163)/2010]

B.N. DIXIT, Director of Legal Metrology

## ( भारतीय मानक व्यूरो )

नई दिल्ली, 8 मार्च, 2011

का.आ. 775.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :-

## अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 14665 (भाग 2/ अनुभाग 1) : 2000	1, फरवरी, 2011	28 फरवरी, 2011
2.	आईएस 14665 (भाग 3/ अनुभाग 1) : 2000	1, फरवरी, 2011	28 फरवरी, 2011
3.	आईएस 14665 (भाग 4/ अनुभाग 1) : 2000	1, फरवरी, 2011	28 फरवरी, 2011
4.	आईएस 14665 (भाग 4/ अनुभाग 3) : 2000	2, फरवरी, 2011	28 फरवरी, 2011
5.	आईएस 14665 (भाग 4/ अनुभाग 6) : 2001	3, फरवरी, 2011	28 फरवरी, 2011

इस भारतीय संशोधन की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बत्तूर, गुलाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पट्टना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

तिथि : 08-03-2011

[संदर्भ : ईटी-25/टी-20, टी-21, टी-27]

आर. के. त्रेहन, वैज्ञा. ई. एवं प्रमुख (विद्युत तकनीकी)

## (BUREAU OF INDIAN STANDARDS)

New Delhi, the 8th March, 2011

S.O. 775.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

## SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 14665 (Part 2/Sec 1) : 2000 Electric Traction Lifts Part 2 Code Of Practice For Installation, Operation And Maintenance Section 1 Passanger And Goods Lifts	1, February, 2011	28 February, 2011

(1)	(2)	(3)	(4)
2.	IS 14665 (Part 3/Sec 1) : 2000 Electric Traction Lifts Part 3 Safety Rules Section 1 Passenger And Goods Lifts	1, February, 2011	28 February, 2011
3.	IS 14665 (Part 4/Sec 1) : 2000 Electric Traction Lifts : Part 4 Components, Section 1 Lift Buffers	1, February, 2011	28 February, 2011
4.	IS 14665 (Part 4/Sec 3) : 2001 Electric Traction Lifts : Part 4 Components, Section 3 Lift Car Frame, Car, Counterweight and Suspension	2, February, 2011	28 February, 2011
5.	IS 14665 (Part 4/Sec 6) : 2000 Electric Traction Lifts: Part 4 Components, Section 6 Lift Doors, Locking Devices And Contacts	3, February, 2011	28 February, 2011

Copies of this Amendment are available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

Date : 08-03-2011

[Ref: ET-25/T-20, T-21, T-27]

R. K. TREHAN, Scientist & Head (Electrotechnical)

नई दिल्ली, 10 मार्च, 2011

का.आ. 776.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :—

#### अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 11722:1986 पतली भति वाला नम्बर शीर्षक युग्मन पाइप	संशोधन संख्या 5 जनवरी, 2011	22-02-2011

इस संशोधन को प्रतियाँ भारतीय मानक की प्रतियाँ, भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शास्त्रा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

तिथि : 10-03-2011

[संदर्भ : एमटीडी-19/टी-68]

पी. घोष, वैज्ञा. एफ. एवं प्रमुख (एमटीडी)

New Delhi, the 10th March, 2011

**S.O. 776.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendment, Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

**SCHEDULE**

Sl. No.	No. & Year of the Indian Standards	No. & year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 11722: 1986 Specification for thin walled flexible quick coupling pipes	Amendment no. 5 January, 2011	22 February, 2011

Copy of this Amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD-19/T-68]

P. GHOSH, Scientist 'F' &amp; Head (Met Engg.)

**पेट्रोलियम और प्राकृतिक गैस मंत्रालय**

नई दिल्ली, 11 मार्च, 2011

**का.आ. 777.**—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) के खंड 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 07 दिसम्बर, 2002 को भारत के राजपत्र में प्रकाशित सा.आ. संख्या 3776 द्वारा पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार की दिनांक 29 नवम्बर, 2002 की अधिसूचना संख्या आर-20023/1/2002-ओआर-I का आशिक, आशोधन करते हुए, केन्द्र सरकार निम्न रूप से इस अधिसूचना से अनुबद्ध तालिका में निम्नलिखित संशोधन करती है, नामत :-

**तालिका**

क्रम सं	इकाई/कार्यालय का नाम	अधिकारी का पदनाम	सरकारी स्थान की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएं
	नुमलीगढ़ रिफाइनरी लिमिटेड	वरिष्ठ प्रबंधक (नगरबस्ती एवं बुनियादी सुविधा) नुमलीगढ़ रिफाइनरी लिमिटेड, पो.आ. : नुमलीगढ़ रिफाइनरी परिसर, जिला गोलाघाट-785699 असम	नुमलीगढ़, जिला गोलाघाट-785699, असम में स्थित नुमलीगढ़ रिफाइनरी लिमिटेड के प्रशासनिक नियंत्रणाधीन सभी परिसर।

को निम्नवत् रूप से प्रतिस्थापित किया जाएगा :-

क्रम सं	इकाई/कार्यालय का नाम	अधिकारी का पदनाम	सरकारी स्थान की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएं
	नुमलीगढ़ रिफाइनरी लिमिटेड	वरिष्ठ प्रबंधक (नगरबस्ती एवं संपदा) नुमलीगढ़ रिफाइनरी लिमिटेड, पो.आ. : नुमलीगढ़ रिफाइनरी परिसर, जिला गोलाघाट-785699 असम	नुमलीगढ़, जिला गोलाघाट-785699 असम में स्थित नुमलीगढ़ रिफाइनरी लिमिटेड के प्रशासनिक नियंत्रणाधीन सभी परिसर।

[फा. सं. आर-20023/1/2011-ओआर-I]

बी. के. दत्ता, अवर सचिव

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 11th March, 2011

**S.O. 777.**—In exercise of the power conferred by section 3 of the Public Premises (Eviction of Un-authorized Occupants) Act-1971 (40 of 1971) and in partial modification of the Notification of the Government of India in the Ministry of Petroleum & Natural Gas No. R-20023/1/2002-OR-1 dated 29th November, 2002 published vide SO No. 3776 on 7th December, 2002 in the Gazette of India, the Central Government makes the following amendments in the table annexed to this notification as under namely :—

## TABLE

Sl. No.	Name of the Unit/Office	Designation of the Officer	Categories of Public Premises and local limits of jurisdiction
(1)	(2)	(3)	(4)
	Numaligarh Refinery Limited	Senior Manager (Township & Infrastructure) Numaligarh Refinery Limited, P.O.-Numaligarh Refinery Complex, Dist-Golaghat-785699 Assam.	All premises under the administrative control of Numaligarh Refinery Limited located at Numaligarh, Dist-Golaghat, Assam

Shall be substituted as under

Sl. No.	Name of the Unit/Office	Designation of the Officer	Categories of Public Premises and local limits of jurisdiction
(1)	(2)	(3)	(4)
	Numaligarh Refinery Limited	Senior Manager (Township & Estate Numaligarh Refinery Limited, P.O.-Numaligarh Refinery Complex, Dist-Golaghat-785699 Assam.	All premises under the administrative control of Numaligarh Refinery Limited located at Numaligarh, Dist-Golaghat-785699, Assam.

[F. No. R-20023/1/2011-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 17 मार्च, 2011

**का.आ. 778.**—तेल उद्योग (विकास) अधिनियम 1974 (1974 का 47) की धारा (3) की उपधारा (3) के खंड (ग) द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित अधिकारियों को तेल उद्योग विकास बोर्ड के सदस्य के रूप में, उनके नाम के सामने दर्शायी गई अवधि के लिए, या अगले आदेश जारी होने तक या सेवानिवृत्ति तक, जो भी पहले हो, नियुक्त/पुनर्नियुक्त करती है :—

से	तक		
(1)	(2)	(3)	(4)
1.	श्री पी. के. सिन्हा, विशेष सचिव एवं वित्तीय सलाहकार, पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय	4-11-2010	3-11-2012
2.	श्री डी. एन. नरसिंहा राजू, संयुक्त सचिव, पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय	26-3-2011	25-3-2013
3.	श्री आर. एस. बुटेला अध्यक्ष एवं प्रबंध निदेशक, इंडियन ऑयल कार्पोरेशन लिमिटेड	28-2-2011	27-2-2013
4.	श्री एम. रमन, सचिव, रसायन एवं पेट्रोरसायन विभाग	1-1-2011	30-4-2011

(1)	(2)	(3)	(4)
5.	श्रीमती विलासिनी रामचन्द्रन, विशेष सचिव (व्यय), व्यय विभाग, वित्त मंत्रालय	26-3-2011	25-3-2013
6.	श्री आर. के. सिंह, अध्यक्ष एवं प्रबंध निदेशक, भारत पेट्रोलियम कार्पोरेशन लिमिटेड	8-12-2010	7-12-2012
7.	श्री ए. के. हजारिका, अध्यक्ष एवं प्रबंध निदेशक, तेल एवं प्राकृतिक गैस कार्पोरेशन लिमिटेड	1-2-2011	अध्यक्ष एवं प्रबंध निदेशक, ते. एवं प्रा. गै. कार्पो. लि. के पद का कार्यभार सम्भालने तक।

[सं. जी. 35012/2/91-वित्त-II]

के. एम. सिंह, अवर सचिव

New Delhi, the 17th March, 2011

S.O. 778.—In exercise of the powers conferred by Clause (c) of Sub-section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints/re-appoints the following officers as Members of the Oil Industry Development Board for the period shown against their names or until further orders or retirement, whichever is earlier :

		From	To
1.	Shri P. K. Sinha, Spl. Secy. & FA, Min. of P&NG	4-11-2010	3-11-2012
2.	Shri D. N. Narasimha Raju, Joint Secretary, Min. of P&NG	26-3-2011	25-3-2013
3.	Shri R. S. Butola, C&MD, IOCL	28-02-2011	27-2-2013
4.	Shri M. Raman, Secy., Deptt. of Chemicals & Petrochemicals	1-1-2011	30-4-2011
5.	Smt. Vilasini Ramchandran, Spl. Secretary (Exp.), Dept. of Expenditure, Ministry of Finance	26-3-2011	25-3-2013
6.	Shri R. K. Singh, CMD, BPCL	8-12-2010	7-12-2012
7.	Shri A.K. Hazarika, CMD, ONGC	1-2-2011	Till he holds the charge of CMD, ONGC.

[No. G. 35012/2/91-Fin-II]

K. M. SINGH, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 21 फरवरी, 2011

**का.आ. 779.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुंबई के पंचाट (संदर्भ संख्या 51/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2011 को प्राप्त हुआ था।**

[सं. एल-12012/81/2004-आई आर(बी-1)]

रमेश सिंह, डेस्क अधिकारी

### MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 21st February, 2011

**S.O. 779.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.51/2004) of the Central Government Industrial Tribunal-cum-Labour Court-1, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, received by the Central Government on 18-2-2011.**

[No. L-12012/81/2004-IR (B-I)]

RAMESH SINGH, Desk Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

#### PRESENT :

JUSTICE G. S. SARAF, Presiding Officer

REFERENCE NO. CGIT-51 OF 2004

#### Parties:

Employers in relation to the management of State Bank of India

And

Their Workmen

#### APPEARANCES :

For the Management : Shri Nadkarni, Adv.

For the Workman : Shri Umesh Nabar, Adv.

State : Maharashtra

Mumbai, dated the 4th day of February, 2011.

### AWARD-PART-II

1. This reference has been made by the Central Government in exercise of its powers conferred by clause (d) of sub-section 1 and sub-section 2-A of Section 10 of the Industrial Disputes Act, 1947 for adjudication by this Tribunal vide Ministry of Labour, New Delhi Order No. L-12012/81/2004-IR (B-I) dtd. 10th June, 2004. The terms of reference are as follows:

“Whether the action of the management of State Bank of India, Mumbai in discharging from the services Shri Hemant Jadhav w.e.f. 17-2-2003 is justified? If not what relief Sh. Hemant Jadhav is entitled to ?”

2. As per the statement of claim submitted by State Bank of India Staff Union on behalf of the workman Hemant P. Jadhav, the workman joined the services of the first party Bank as Assistant Cashier/Clerk. During the course of the employment his services were found satisfactory and he performed his duties with sincerity, honesty and diligence. The workman was never issued any memorandum, warning or charge sheet and his service record was clean and unblemished, save and except that the workman received charge sheet dated 22-2-2000 for acts of misconduct allegedly committed by him. According to the charge sheet the first charge is that on 24-7-2000 at about 6.15 pm (after working hours), the workman went to circle stationery department, Wadala, without authority where he was found to have consumed liquor and was playing cards in the canteen. He is further alleged to have abused Rajaram Gurao and security guards V.B.Shinde and S.B.Karande and Unit Secretary of State Bank of India Staff Union Raghunath Salvi. The second charge is that the workman stood guarantor to one Manohar Shinde for availing a loan of Rs.1,40,000 from Apna Sahakari Bank Ltd., Parel, Mumbai and subsequently the workman got the loan transferred in his name without obtaining the Bank's permission either to stand guarantor or to get transferred the loan in his name thus committing gross misconduct in terms of para 521 (4) (c) and (e) of Shastri Award as retained in para 18.28 of Desai Award and Bipartite Settlement. The enquiry was conducted by P.A. Mahajan, Officer attached to the Sewree Branch of the Bank who submitted his report on 20-3-2002 in which he held charge No.1 not proved and charge no.2 proved. The Disciplinary Authority however, did not agree with the finding of the Enquiry Officer regarding charge no.1 and held that charge no.1 was also proved. The Disciplinary Authority thereafter imposed a punishment of discharge from the Bank's service with superannuation benefits as would be due otherwise and no disqualification for future employment. An appeal filed by the workman was dismissed by order dtd. 7-5-2003 by the Appellate Authority. According to the statement of claim, the findings of the Disciplinary Authority holding the workman guilty of charge no.1 are wholly perverse and liable to be quashed and as regards charge no.2 permission of the Bank to stand guarantee is not mandatory. It has been prayed on behalf of the workman that the order dtd. 17-2-2003 passed by Disciplinary Authority and the order dtd. 07-5-2003 passed by Appellate Authority be quashed and set aside as the two orders are illegal, unjust and improper. It has been further prayed that the workman be reinstated with full back wages, continuity of service and all consequential benefits.

3. According to the written statement filed by the Bank, the enquiry into the charges framed against the workman was held in accordance with principles of natural justice and rules of fair play and the workman was accorded adequate opportunity to defend and the punishment awarded to him cannot be termed as harsh or disproportionately severe and, therefore, the workman is not entitled to any relief.

4. The workman filed his own affidavit and he was cross-examined by learned counsel for the Bank. The Bank filed the affidavit of P.A. Mahajan, Enquiry Officer, to prove the enquiry proceedings and he was cross-examined by learned counsel for the workman.

5. This tribunal considered the preliminary issue as to whether the findings in the enquiry were perverse?

6. The Tribunal by Award-1 dtd. 10-8-2006 set aside the enquiry report and gave liberty to the Bank to prove the charges against the workman before this Tribunal by leading evidence:

7. The Bank examined S.S. Vete, Vijay Shinde, Shankar Karande, Ragunath Salvi and Jairam More to prove charge no. 1 and examined A. S. Rane and produced exhibits M-3 to M-7 to prove charge no. 2. The workman filed his affidavit who was cross-examined by learned counsel for the Bank.

8. Heard Shri. Umesh Nibar, learned counsel for the workman and Shri. Nadkarni learned counsel for the Bank.

9. The witnesses who have been produced to prove charge no. 1 have turned hostile except S.S. Vete and Ragunath Salvi. S.S. Vete is merely a formal witness and he has not witnessed the incident narrated in charge no. 1. Ragunath Salvi does not corroborate the Bank's story. He states in his cross-examination that he does not know what happened on 24-7-2000 and that he was not present at the place of occurrence at the time of incident. The hostile witnesses Vijay Shinde, Shankar Karande and Jairam More do not at all corroborate the Bank's story. It is also to be noted that the two important eye witnesses namely, Rajaram Gurao and Thakur have not been produced by the Bank and the Bank has not given any reason for not producing them. There is thus no evidence to prove the charge no. 1 against the workman.

10. As regards charge no. 2, the Bank has placed reliance on the statement of A.S. Rane and exs. M-3 to M-7.

11. M-3 is a copy of the attachment order. M-4 is a copy of the memorandum issued to the workman and M-5 is its reminder. There is nothing in these three documents to prove that the workman stood guarantor to the said Manohar Shinde for availing the loan of Rs.1,40,000 from Apna Sahakari Bank. A.S. Rane has been produced to prove Exs-M-6 and M-7 purportedly written by the workman to the Bank. In Ex.M-6 there is only a reference of transfer of the loan in the name of the workman and there is no admission of the fact that the workman stood guarantor to the said Manohar Shinde for availing the loan of Rs.1,40,000.

12. In Ex. M-7 at para no.3 it is stated that

"In the case of Apna Sahakari Bank, I was guarantor to the loan sanctioned to the party for purchasing the vehicle. This was done by me with good intention to help the party concerned to establish himself in his business without thinking of any adverse consequences."

The question is that whether the above lines in Ex. M-7 alleged to have been written by the workman to the Bank are sufficient to prove that the workman stood guarantor to the said Manohar Shinde for availing the loan of Rs.1,40,000 from Apna Sahakari Bank.

13. An admission made by a party may be the best evidence against him provided the admission is clear, specific and unequivocal. Applying the above yardstick in this case the lines quoted hereinabove cannot be treated as admission of the workman of the charge levelled against him. It appears that the workman is equating transferring loan in his name to standing guarantor to the loan. The relevant rule in the Rules of Conduct prohibits furnishing guarantee to the pecuniary obligations of other person and not loan or borrowing by the workman himself.

14. It is noteworthy that by Award dtd. 10-8-2006, liberty was given to the Bank to prove the charges against the workman by leading evidence before this Tribunal. However, the Bank failed to produce a copy of the guarantee deed. It is not understandable that if any such guarantee deed was executed by the workman then why the Bank failed to produce a copy of it. Moreover, in the enquiry report there is a reference of two guarantors out of whom one is the wife of the present workman and the other guarantor is surely not the present workman.

15. If we consider the entire evidence available on the record, then it is difficult to reach a conclusion that the Bank has proved that the workman stood guarantor to the said Manohar Shinde for availing a loan of Rs. 1,40,000 from Apna Sahakari Bank. Therefore, charge no. 2 is not proved against the workman.

16. For the reasons stated above, I am of the opinion that the action of the Bank in circumstance of the matter ends of justice will meet if the workman is given 25% of the back wages.

17. The workman is thus entitled to reinstatement. In the facts and circumstances of the matter ends of justice will meet if the workman is given 25% of the back wages.

18. Consequently, the first party is directed to reinstate the workman Hemant Jadhav within a period of two months from today with 25% of the back wages.

19. An Award is made accordingly.

JUSTICE G. S. SARAF, Presiding Officer

नई दिल्ली, 21 फरवरी, 2011

का.आ. 780.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, कौशल सरकार भारतीय स्टेट बैंक के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विभाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट (संदर्भ संख्या 40/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-2-2011 को प्राप्त हुआ था।

[सं. एल-12012/240/95-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 21st February, 2011

**S.O. 780.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/97) of the Central Government Industrial Tribunal-cum-Labour Court- Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, received by the Central Government on 18-2-2011.

[No. L-12012/240/95-IR (B-I)]

RAMESH SINGH, Desk Clerk

#### ANNEXURE

#### BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

##### Industrial Dispute No. 40 of 97

Between

Sri Vinod Kumar Srivastava,  
S/o Sri S. M. Lal Srivastava,  
C/o Sri Dy. Shanker Verma,  
I/C-II, Tula Ram Bagh,  
Allahabad

And

The Assistant General Manager,  
State Bank of India,  
Region-II,  
Regional Office,  
Varanasi.

#### AWARD

1. Central Government, Mol, New Delhi vide notification no. L-12012/240/95-IR (B-I) dated 7-2-97, has referred the following dispute for adjudication to this tribunal—

2. Whether the action of the management of State Bank of India, Region-II Zonal Office, Varanasi in dismissing Sri Vinod Kumar Srivastava clerk at their Beejpur Branch with effect from 18-1-94 is justified ? If not what relief the workman is entitled ?

3. Brief facts are—

4. Before coming to the brief facts of the case, I would like to state brief history of the case. In this case an award was passed by my learned presiding officer on 27-4-98, wherein it was held that the action of the opposite party under schedule was not legal and reinstatement was awarded in favour of the workman.

5. Being aggrieved the opposite party has gone in CMWP in Hon'ble High Court Allahabad. The Hon'ble High Court has observed that—

"It has also been held that question of prejudice is material qua the obligation of furnishing inquiry report. In the present case concerned tribunal at no point of time, adverted to this aspect of the matter and without there being anything pleaded in respect of prejudice caused proceeded to hold that as inquiry report has not been supplied, dismissal is bad. Apart from this in the award, it has been mentioned by industrial tribunal that finding which had been recorded by inquiry officer against the concerned workman was based on no evidence. In case this was the position, then opportunity ought to have been provided to the concerned bank for establishing the charges leveled against the respondent workman. In the present case award is mechanical. The impugned award has been quashed and set aside. The matter was remitted back to the industrial tribunal for deciding the dispute in accordance with law after affording the opportunity of hearing to the parties."

6. It is an admitted fact that the claimant workman Vinod Kumar Srivastava was working as a clerk at Beejpur Branch, District Sonbhadra of the opposite party State Bank of India. He was issued a charge sheet dated 20-9-90, the copy of which has been filed. It comprises of 9 charges. One M. S. Rawat an officer of the bank was appointed as inquiry officer, Sri B. N. Dubey was appointed as presenting officer. Inquiry officer after completing inquiry submitted its report dated 26-3-93. On the basis of this report, after issuing show cause notice the concerned workman was dismissed from service by order dated 18-1-94. It is alleged by the claimant that inquiry was not conducted fairly and properly. Further the copy of the inquiry report was not given to the concerned workman along with show cause notice before passing final order of the dismissal from service. It is also alleged that no documents and copies of statements of witnesses relied upon by the opposite party were supplied to the claimant at the time of issuance of charge sheet. A mock domestic inquiry was conducted ex parte by the inquiry officer. It is also alleged that he was haunted by super natural forces and thus was suffering from mental disability and even during the period of his service in the bank at its Doondhali Katra Branch. It is also stated that when he was not keeping fit in state of mind he might have done some wrongs innocently which were made tall some and a flimsy case was cooked up to punish him. It is also stated that the respondents are not the disciplinary authorities of appellate authorities of the applicant as Para 55(1) of SBI General Regulations.

7. Therefore, he has prayed that the order of dismissal be declared as illegal and he be declared to be

reinstated in service with full back wages, continuity of service and with all consequential benefits.

8. Opposite party has filed written statement alleging there in that a fair and proper inquiry was conducted and he has been given full opportunity to defend his case. It is stated that the claimant has committed serious laches and acts of misconducts. It is stated that after submission of the report of the inquiry officer the disciplinary authority passed a tentative order of dismissal from service and the said order dated 5-11-93 was sent to the workman even by hand through Sri P. B. Lal, Assistant Manager Cash requesting the workman to submit his explanation. The order was served on the claimant but he refused to accept the order. Again the order was sent by registered post. It was also refused to be accepted. Again the order was sent to him through courier, therefore, service of the order was presumed that he did not make any submissions and the disciplinary authority confirmed the said order and dismissed the workman.

9. He was also asked to appear before the medical board as he has alleged about his mental condition but he never appeared and a doctor was also deputed to his residence to examine him medically but he deliberately avoided to be examined. It is stated that according to bank's circular dated 02-08-92 the AGM was the disciplinary authority on the relative date and time. The contents of the claim statement in this respect are denied. On the basis of above it has been pleaded that the claim of the claimant is liable to be dismissed being devoid of merit.

10. Rejoinder has also been filed by the claimant but nothing new has been pleaded therein except reiterating the pleas raised by him in his claim statement.

11. Both the parties have adduced oral as well as documentary evidence.

12. Claimant has filed 8 documents vide list 02-04-08. Opposite party has filed 10 documents vide list paper no. II/l. Opposite party has also filed several documents in original numbering from 1 to 106 Vide list 22-03-06.

13. Claimant has adduced himself in evidence as W.W.I Vinod Kumar Srivastava. Opposite party has adduced in evidence one witness Sri Kaushlendra, Assistant Manager SBI as M.W.I.

14. I heard the arguments perused the entire record of the case.

15. As discussed above and observed by the Hon'ble High Court in the case, an opportunity has been granted to both the parties of hearing and thereafter the parties have adduced their respective evidence in the knowledge of each other.

16. Now the only short question is to be decided after perusing and appreciating the evidence is as to whether the opposite party has been able to prove that

the claimant workman has inducted the misconduct during the course of employment. If the answer is found to be in affirmative then it will be examined as to whether the punishment awarded to the workman concerned is commensurate with the proved misconduct.

17. There are several and numerous charges against the concerned workman leveled as per charge sheet dated 16-04-90.

18. First charge is that under noted acts of gross misconduct have been committed by you in operation of saving bank account 1263 of Sri Anurag . (your brother)-

1. The request of Sri Anurag for opening of saving bank account vide his account opening from dated 16-12-86 introduced by you was for opening of account in his single name but you unauthorizedly added your name in the ledger sheet as E or S. A refund order no. 477945 drawn on Central Bank of India and cash deposit of Rs .20 were accepted on 9-12-86 and 15-12-86 respectively even though the account had not been formally opened in the books of the branch.

1/2. You made the following superfluous credit entries in the above mentioned saving banks account. First entry is dated 18-5-88 amounting to Rs.1300. In this way there are 7 entries of different dates of different amounts.

1/3. You have unauthorisedly signed as drawer and received payment of the undenoted withdrawals from your brothers above account without actually posting these withdrawals in the ledger sheets. Initial of posting were also falsely made by you (except in the withdrawal at serial no.2). First entry is dated 7-9-87 of amount of Rs. 300. This way there are 21 entries on different dates of different amounts.

1/4. Though the undenoted withdrawals were signed by Sri Anurag as drawer you received the payments of these withdrawals. The withdrawals were not posted in the ledger sheet but were falsely initiated by you in token of posting thereof. First entry is dated 8-10-87 of the amount of Rs.1000. In this way there are different entries of different dates and amount.

1/5. Though you wrote /check, the saving bank day book of the dates mentioned at serial number 3rd and 4th above except on 08-10-87, even then neither you posted the withdrawals nor pointed the mistakes for rectifications.

1/6. The withdrawals dated 19-11-87 and on several dates the payment obtained on 26-04-88, similarly on numerous dates having different withdrawals dates and payment dates mentioned against acts of misconduct at serial no.3rd and 4th.

19. I have examined the evidence in this respect.

M.W.I Sri Kaushlendra is a witness of fact. He stated on oath that during June 86 to December 89, he had been posted as Cash Officer at Dhoondikatra branch at Mirzapur. Sri V. K. Srivastava was working as clerk in the branch at that time. He was served with a charge sheet a copy of which is on the file which is paper no. 11/8 to 11/16. He has also replied to the charge sheet which is paper no. 11/17 to 11/18. It is a fact that Anurag is a brother of V. K. Srivastava. Anurag has given his account opening form on 16-12-86 which is paper no. 30. It is in original. Introduction of the account, holder was made by Sri V. K. Srivastava. It was operated by Sri Anurag. In this account opening form the name of Sri V. K. Srivastava is nowhere mentioned. Paper no.31 is the ledger sheet in original regarding account no.1263 which in the name of Sri Anurag, but there is an entry of Anurag and Vinod Kumar Srivastava on the ledger sheet and it is also written E or S. Anurag has not given any application for adding the name of the workman in the account no.1263. Account opening form was given on 16-12-86, whereas the account was made operational on 15-12-86 by making a deposit of Rs.20. On the ledger sheet paper no.31 Sri V. K. Srivastava has initialed the entry of Rs.20. Paper no.28 is regarding deposit of Rs.500 through cheque drawn on Central Bank of India which is dated 9-12-86; on this the account no. has been mentioned as 1263, whereas this account 1263 was opened on 16-12-86. Paper no.29 is the original receipt of Rs.20 by making a deposit of Rs.20 on 15-12-86, in the name of Anurag whereas this account was opened on 16-12-86 which is before opening the account. It is stated that paper no. 83, 84, 86 and 88 are original cashier receipt scroll which are in reference to charge no. 1/2. Paper no.49, 50, 63 filed along with list dated 24-08-06 are transfer scroll of the bank. Paper no.29, 30, 37 and 38 of list dated 24-08-06 are the copies of the day book. No entries have been made by Sri V. K. Srivastava in this register. Paper no.30 and 37 is a copy of the day book which has been written by Sri Vinod Kumar Srivastava also checked by him and initialed by him. Regarding charge no. 1/3 original withdrawals forms of saving banks are paper no.32, 36, 37, 38, 39 and so on which are relating to account no.1263. Paper no.31 is the original ledger sheet of the account no.1263. Aforesaid withdrawals are relating to charge no.1/3.

20. I have examined some of these documents. Paper no.32 withdrawals form is dated 07-09-87 amounting to Rs.300. There is no such entry made in the account of 1263. Opposite party has clearly stated that V K Srivastava was handling the account of his brother Anuraga's a clerk. It has been clearly stated on oath by M.W.I that all these withdrawals forms paper no.32, 36, 37, 38 and so on (numerous withdrawals) all contains the signature of Sri Vinod Kumar Srivastava whereas the account is in the name of Anurag and all these amounts have been received by Sri Vinod Kumar Srivastava, but no posting has been made in ledger sheet paper no.31 of

all the aforesaid withdrawals. Paper no.33, 34 and onwards, all are withdrawals forms, all signed by Sri Anurag Srivastava but the amount has been received by Sri Vinod Kumar Srivastava. There is no entry of posting of these withdrawals in the ledger sheet paper no.31. These charges relate to charge no.1/4. It is stated that there is an entry of withdrawals in the day book but no entry made in the ledger sheet and this fact was never told by Sri Vinod Kumar Srivastava. to the then branch manager. Ledger sheet was checked by Sri Vinod Kumar Srivastava. There is no entry of withdrawals dated 19-11-87. Day book dated 03-12-87, 09-02-87 and so on, on numerous dates relates to Anurag but no entry has been made of these withdrawals in the ledger sheet paper no.31. It is stated that there is an entry of dated 20-09-88 and so on, on the ledger sheet but no entry has been made of the withdrawals in the ledger sheet. Paper no.38 is original withdrawal which is dated 19-11-87 and paper no.42 onwards, all these withdrawals, there is passing of Sri Vinod Kumar Srivastava. Paper no.63 belongs to Sri Vinod Kumar Srivastava regarding account no.1223. Paper no.64 dated 16-01-88 and so on, all are withdrawals, paper no.65 dated 27-02-88, is cash withdrawal. All these withdrawals, belonging to Sri Vinod Kumar Srivastava have not been entered on this ledger sheet paper no.63. In this way there is a very very elaborate detailed statement of M.W.I pointing to the grave misconduct of Sri V K Srivastava. There are several charges. It is contended by the authorized representative for the management that except one or two all other charges have been categorically proved.

21. Claimant has not denied the existence of these withdrawals. He has taken number of pleas. First he has taken the plea that when he was working, he was haunted by super natural forces and was not keeping fit state of mind.

22. I have examined this plea. Opposite party has categorically refuted the claim of the workman. M.W.I has been working as a cash officer during that period. He has stated on oath that during his posting Sri V. K. Srivastava has never made a mention of his medically unfitness. He has never moved any such application or a medical certificate in this reference. He stated that his mental status was all right and he has been working on the post of a clerk for about 16 years and thereafter when the fraudulent transaction was detected then he was suspended. In the cross examination workman stated that during this period he has never moved any application for mentally unfitness. He has also not taken any leave on this account. When replied to the charge sheet, he did not submit any medical certificate regarding his mental illness. To prove that he was mentally unfit and he was haunted by super natural forces the burden lies on the claimant but, he has failed to prove this fact and this plea also does not appear to be reasonable and plausible.

23. Now it is to be seen whether all these withdrawals of money either through withdrawals form or otherwise is a civil transaction, as he claimed to be over draft or fraudulent transaction.

24. Opposite party has specifically stated and elaborated that all these transactions are fraudulent. Money was being withdrawn, ledger was being maintained by Sri V. K Srivastava of his account, his brother account and his parent account. He was not making entries in the ledger sheet regarding these withdrawals. He is simply a clerk, though due to shortage of staff he was working on a number of posts. But he did not seek any permission from the branch manager regarding over drafts.

25. There is an admission in the cross of W.W.I that he has moved an application dated 8-2-91, which is paper no. 104, stating that he will make the payment of the amounts which is shown as over draft in his account. Similarly he has admitted in his cross regarding paper no.105 which is an application given by the claimant that the amount of the over draft shown in account 1263 will be liquidated soon. He also admitted in the cross regarding the contents of paper no.106 that is an application given by the claimant to liquidate the over draft amount. In all these letters has nowhere stated that his state of mind was not fit.

26. Main emphasis has been placed by the A.R. for the claimants that these documents being loose shape has no value and are waste papers. I have given due consideration to this point. Opposite party has refuted the contention of the claimant stating almost all these documents and the veracity of these documents has been admitted by the claimant in the cross examination, then how can it be said that these are waste papers. I agree with the contention of the opposite party. Claimant has admitted in his cross examination the veracity of paper no.30 which is an account opening forms which was opened in the name of Anurag. He also admitted the genuineness. He also admitted that Rs.20 and Rs.500 has been received by cash and by transfer on 15-12-86: Both the entries have been made by him. When a question was raised by the representative for the opposite party that when the account was opened on 16-12-86 how did he make the entries of the amount in a non existing account on 15-12-86. His reply was evasive. He also admitted that any amount which is to be paid by way of withdrawal form the signature of the recipients has to be tallied, with the specimen signature of the account opening form. But he stated that there is no specimen signature of his in the account opening form which was opened by his brother Sri Anurag. The version of the claimant that there is a mention of his name in the ledger sheet and it is written either or survivor and there is an initial of the branch manager. This fact has been denied by the opposite party. It is the contention of the A.R. that the branch manager should have been produced to prove this fact. I do not find any force in the contention because the subject as a whole has to be considered. He also admitted his signature on paper no.32 which is a withdrawals form. Then how can the claimant say that these are not the originals and these are waste papers, whereas all the withdrawals in original have been filed. He also admitted the signature of his

brother Anurag Srivastava on paper no.33, 34 and so on which are withdrawals of the amount of Rs.1000 and onwards. In this way there are several withdrawal form either of his own signature or of the signature of his brother.

26. Opposite party has contended that if the amount has not been withdrawn, why the payment of the overdraft was made by the workman. Opposite party has put a question to the workman whether the facility of overdraft was extended in account no.1263, 1223 and 1308 in between 1986 to 1989. The reply of the workman is evasive. Because there is no such paper which could show that the workman at any point of time was given the facility of overdraft. Therefore it cannot be said that it is a civil transaction.

27. Again the opposite party put a question before the workman to the effect as to whether he accepts the contents of paper no. 60/2 - 60/4. He replied that these papers are related to over drafts. The contents are true. Whatever the allegations are written he accepts the same and it was only thereafter that the amount of over draft was appropriated by him. Again a question was put to the claimant that there is no over draft facility on saving bank account. He replied that if the branch manager is willing to grant over draft facility then he can do it. As I have said there is no such paper or document where the branch manager has ever granted facility of over draft to the workman or his brother and or his relatives. He also admitted in the cross that if any payment is to be made in the withdrawals form the payment can be made only after verifying the signature from the specimen signature cards. But there is no specimen signature card which may show that the name of the workman has been added with the account holder.

28. Claimant has also raised another legal objection in his claim statement that the respondents are not the disciplinary authority as well as appellate authority, but in the cross he admitted that AGM Region-II Controller Varanasi was his controller. He stated that AGM Region - II, Zonal Office was the controller of the Branch Manager. Further stated that when he was posted at Beejpur Sonbhadrā, AGM Region-II Varanasi was his controller Moreover no such objection has been raised at the time of suspension or reply filed by the claimant to the charge sheet, therefore, this contention of the claimant is also not sustainable.

29. There is another contention of the claimant that if it was a transaction of misappropriation or fraudulent then why the opposite party did not launched any criminal proceedings against the workman. I find if there is grave misconduct of the claimant and if no criminal prosecution has been launched, the claimant cannot escape on this plea for the misconduct committed by him which is of grave nature particularly in a financial institution where public at large has reposed its confidence regarding financial matters.

30. Again a contention has been raised that the opposite party cannot adduce any evidence or new evidence at this stage and whatever evidence has been filed cannot be permitted to taken cognizance thereof. I have also given due thought to this submission of the claimant. The evidence has been adduced in the knowledge of both the parties. Both the parties have adduced the evidence. Claimant has filed documentary as well as oral evidence. If to prove the charge, they have adduced the oral evidence of MW1 it cannot be thrown out of the record. Moreover, there are two applications paper no. 58/1 and 59/1 dated 02-04-08, wherein the claimant has sought the permission to adduce documentary as well as oral evidence and he has been permitted to do so.

31. I have gone through the order of the Hon'ble High Court respectfully. The Hon'ble Court has also held that the matter in dispute be decided in accordance with law after affording opportunity of hearing to the parties.

32. Opposite party has placed reliance upon a decision [(2010) (126 FLR 625 Delhi High Court) Writ Petition No. 108 of 2004 Delhi Transport Corporation versus Sunil Kumar].

33. In this decision the Hon'ble High Court, has held—Additional evidence under Section 10, 11-A and 33 of Industrial Disputes Act—In that case application of the petitioner employer to lead additional evidence to prove the charge of misconduct of respondent workman was rejected by labour court—held—labour court committed error—employer has right to lead additional evidence—even if not taken any such plea in written statement.

34. Here in the present case the Hon'ble Allahabad High Court has held and directed that opportunities to both the parties be given of hearing and deciding the matter. I would like to say hearing includes adducing evidence also.

35. Therefore, considering the facts and circumstances of the case the evidence adduced by the opposite party is law full and germane to the case.

36. I would like to say that holding inquiry by the department is not a criminal trial, though it is expected from the opposite party to prove the charges against the delinquent categorically. In the present case considering all the evidence and facts of the case I am of the view that evidence adduced by the opposite party is, convincing and believable. The witness has been thoroughly cross examined. Nothing has come out in his evidence showing that he is a biased witness or interested.

37. Therefore, in my view the opposite party has successfully proved the misconduct against the claimant workman.

38. Now I would like to deal the fact as to whether the punishment of dismissal awarded to the workman by the disciplinary authority is disproportionate or not. Considering the overall evidence placed on the record

and also having concluded that the opposite party has proved the misconduct against the workman. From the allegation of charges it is crystal clear that the claimant has misappropriated the funds of the constituents of the bank. A post of cashier in any financial institution what to say under the opposite party is a post of confidence and trust. The workman like the workman against whom the breach of trust has been proved in the shape of misconduct cannot be allowed to be retained in the service of the opposite party. Therefore, it is concluded that the punishment awarded to the delinquent employee need not to be interfered at the hands of this tribunal having regard to the nature of proved misconduct.

39. In view of above discussions, reference is answered against the workman holding that he is not entitled for any relief as prayed by him and in favour of the opposite party bank.

Date : 09-02-2011

RAM PARKASH, Presiding Officer

नई दिल्ली, 21 फरवरी, 2011

का.आ. 781.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार परिचम रेलवे के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुंबई के पांचाट (संदर्भ संख्या 30/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-2-2011 को प्राप्त हुआ था।

[सं. एल-41012/14/2006-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 21st February, 2011

S.O. 781.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2006) of the Central Government Industrial Tribunal/Labour Court-1, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on 21-2-2011.

[No. L-41012/14/2006-IR (B-1)]

RAMESH SINGH, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI  
PRESENT : JUSTICE G. S. SARAF, Presiding Officer

Reference No. CGIT- 30 of 2006

#### PARTIES:

Employers in relation to the management of Western Railway

AND

Their Workmen

## APPEARANCES:

For the Management : Ms. Fernandes, Adv.

For the Union : Absent

State : Maharashtra

Mumbai, dated the 8th day of February 2011.

## AWARD

1. This reference has been made by the Central Government in exercise of its powers conferred by clause (d) of sub-section 1 and sub-section 2-A of Section 10 of the Industrial Disputes Act, 1947 for adjudication by this Tribunal vide Ministry of Labour, New Delhi Order No. L-41012/14/2006- IR (B-I) dt. 13th September, 2006. The terms of reference are as follows:

“Whether the action of the management of Western Railway Administration, Mumbai in not granting the retirement benefits from 5-8-1968 to 24-7-71 to Shri Mahadeo Babu Ambre is justified? If not what relief Shri Mahadeo Babu Ambre is entitled to?”

2. Nobody comes on behalf of the workman inspite of service of notices at least thrice on the union.

3. In view of the above, the reference stand disposed off for want of prosecution.

4. An Award is made accordingly.

JUSTICE G. S. SARRAF, Presiding Officer

नई दिल्ली, 22 फरवरी, 2011

का.आ. 782.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर पश्चिम रेलवे के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाट (संदर्भ संख्या 8/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-2-2011 को प्राप्त हुआ था।

[सं. एल-41012/12/2007-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 22nd February, 2011

S.O. 782.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2007) of the Central Government Industrial Tribunal/Labour Court-I, Ajmer as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of North Western Railway and their workmen, which was received by the Central Government on 21-2-2011.

[No. L-41012/12/2007-IR (B-I)]

RAMESH SINGH, Desk Officer

## अनुबन्ध

श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर पीडासीन अधिकारी—श्री पवन एन. चन्द्र, आर.एच.जे.एस.

प्रकरण संख्या—सी.आई.टी.आर. 8/07

रेफरेंस संख्या एल-41012/12/2007-आई आर (बी-1)

दिनांक 17-8-07

बाबूलाल पुत्र श्री भोलाराम जरिये उत्तर पश्चिम रेलवे कर्मचारी संघ, द्वारा जोनल प्रेसिडेंट, प्लाट नम्बर 7, मकान नम्बर 206/42, सुरभि विहार, धोलाभाटा, अजमेर (राज.)

-प्रार्थी/यूनियन

## बनाम

- मण्डल रेलवे प्रबंधक (संस्थापन) उत्तर-पश्चिम रेलवे, अजमेर
- मुख्य चिकित्सा अधिकारी, उत्तर-पश्चिम रेलवे, अजमेर

-अप्रार्थीगण

## उपस्थिति

प्रार्थी की ओर से : श्री राजेश खना, अधिवक्ता-प्रतिनिधि  
अप्रार्थी की ओर से : श्री महावीरचंद जैन, अधिवक्ता-प्रतिनिधि  
आदेश

दिनांक 19-1-2011

1. केन्द्र सरकार, श्रम विभाग, नई दिल्ली द्वारा इस न्यायालय के अधिनिर्णयार्थ निम्न रेफरेंस प्रेषित किया है:-

“Whether the action of the management of DRM, North Western Railway in not giving chance to Shri Babu Lal S/o Shri Bhola Ram to appear in the departmental exam during 1993-94 for Health Inspector in spite of passing out the Sanitary Inspector Diploma by him, is justified ? If not what relief he is entitled ?”

3. रेफरेंस दर्ज होने के उपरांत उभय पक्षों को नोटिस जारी किये गये। प्रार्थी पक्ष की ओर से अपना स्टेटमेंट ऑफ क्लेम प्रस्तुत किया जिसमें अंकित किया है कि उसे ग्रीष्मकालीन पानी वालों के बार में अनुकूल्या के आधार पर दिनांक 19-4-88 तथा 27-4-88 को विपक्षी के यहां नियुक्त किया गया था तत्पश्चात् दिनांक 18-7-1987 के आदेश के अनुसार उसे अस्थाई भित्ती के पद पर बेतनमान 750-940 में नियुक्त किया गया था। उसने वर्ष 1989 में सेनेटरी इंस्पेक्टर ट्रेनिंग इंस्टीट्यूट, दिल्ली विद्यापीठ से सेनेटरी इंस्पेक्टर की ट्रेनिंग परीक्षा उत्तीर्ण की थी। मण्डल कार्यालय द्वारा जारी विज्ञप्ति दिनांक 25-10-93 के लिये पात्रता होने से उसने दिनांक 2-11-93 को स्वास्थ्य निरीक्षक के पद के लिये परीक्षा में बैठने हेतु आवेदन पत्र प्रस्तुत किया बुलाया था परन्तु दिनांक 18-4-94 को आयोजित लिखित परीक्षा में उसे नहीं बैठाया गया। इस संबंध में उसने कर्मचारी संघों के माध्यम से चिभिन्न तारीखों पर विपक्षी को पत्र लिखे हैं।

उपरोक्त परिस्थितियों में उसने उसे स्वास्थ्य निरीक्षक के पद के लिये चयन परीक्षा से बाहर रखने की कार्यवाही को अवैद्य घोषित करते हुए उसे चयनित स्वास्थ्य निरीक्षक का लाभ दिलाये जाने की प्रार्थना की है।

4. विपक्षी पक्ष ने अपने जवाब में प्रार्थी के क्लेम को अत्यधिक विलम्ब से प्रस्तुत करना बताते हुए पात्रता नहीं रखने का कथन भी अंकित किया है। उनका कथन है कि विज्ञप्ति दिनांक 25-10-1993 में पात्रता के लिये आवेदक को अन्य शर्तों के अलावा स्वास्थ्य निरीक्षक का डिप्लोमाधारी होना आवश्यक माना गया है जबकि प्रार्थी के पास स्वास्थ्य निरीक्षक का डिप्लोमा का कोई प्रमाण पत्र नहीं था। उसे स्वास्थ्य निरीक्षक की ट्रेनिंग के प्रमाण पत्र के आधार पर पात्र नहीं माना गया तथा परीक्षा के लिये सही तौर पर बुलाया गया था। इन परिस्थितियों में प्रार्थी के क्लेम को खारिज करने की प्रार्थना की है।

5. उभय पक्षों के अधिवचनों के आधार पर केन्द्र सरकार के श्रम मंत्रालय की ओर से प्रेषित रेफरेंस के आधार पर हमारे समक्ष निम्न विचारणीय बिन्दु हैं कि “क्या प्रबंधक डी आर एम कार्यालय उत्तर पश्चिम रेलवे के द्वारा प्रार्थी श्रमिक बाबूलाल पुत्र भोलाराम को वर्ष 1993-94 की विभागीय परीक्षा में नहीं बैठने देने की कार्यवाही न्यायोचित है अथवा नहीं। यदि कार्यवाही न्यायोचित नहीं है तो वह किस अनुतोष को प्राप्त करने का अधिकारी है”?

6. मैंने उभय पक्षों के विद्वान अधिवक्ता-प्रतिनिधियों की बहस ध्यानपूर्वक सुनी इथा पत्रावली पर उपलब्ध सम्पूर्ण साक्ष्य का बारीकी से अध्ययन एवं मूल्यांकन कर लिया है। उपरोक्त विवाद बिन्दु के सही निर्णय के लिये हमें सर्वप्रथम यह देखना होगा कि विपक्षी द्वारा जारी विज्ञप्ति दिनांक 25-10-1993 प्रदर्श डब्ल्यू-15 के अनुसार प्रार्थी/श्रमिक उक्त विभागीय लिखित परीक्षा में भाग लेने की पात्रता रखता है अथवा नहीं।

7. मैंने विज्ञप्ति प्रदर्श डब्ल्यू-15 का अध्ययन किया है। यह विज्ञप्ति रेंकर कोटा के तहत चयन प्रक्रिया द्वारा स्वास्थ्य निरीक्षक पे स्केल 1200-2040 (आर.पी.) के पदों को भरने हेतु जारी की गई थी तथा चिकित्सा/सेनेटेशन शाखा में कार्यरत ओटोडी के कर्मचारियों जो कि स्वास्थ्य निरीक्षक के पद पर कार्य करने के इच्छुक हो से रेंकर कोटे के दो स्तर पदों को सामान्य वर्ग के व्यक्तियों से लिखित परीक्षा के माध्यम से भरने हेतु आवेदन आमंत्रित किये गये थे। आवेदक की पात्रता निम्न रखी गई थी :

- (1) आवेदक मेट्रिक पास होना चाहिये।
- (2) वह स्वास्थ्य निरीक्षक का डिप्लोमाधारी होना चाहिये।
- (3) उसके द्वारा दिनांक 30-9-93 तक तीन वर्ष की नियमित सेवा पूरी कर ली होनी चाहिये।
- (4) अनुसूचित जाति से सम्बन्धित कर्मचारियों का जिला मजिस्ट्रेट/डिप्टी कमिश्नर/सक्षम अधिकारी से निर्धारित कार्य पर प्रमाण पत्र होना आवश्यक है।

8. उपरोक्त विज्ञप्ति के अनुसार प्रार्थी/श्रमिक ने अपने आप को पात्र कर्मचारी मानते हुए नियत अंतिम तिथि से पूर्व दिनांक

2-11-93 को अपना आवेदन पत्र प्रदर्श डब्ल्यू-16 सक्षम अधिकारी के समक्ष प्रस्तुत किया था।

9. यह परीक्षा दिनांक 18-4-1994 को आयोजित की गई थी जिसमें प्रार्थी को पात्र नहीं मानते हुए लिखित परीक्षा के लिये नहीं बुलाया गया था। यही इस रेफरेंस का मुख्य विवाद है।

10. प्रार्थी के योग्य अधिवक्ता प्रतिनिधि ने हमारा ध्यान प्रमाण पत्र प्रदर्श डब्ल्यू-10 की ओर आकर्षित कर रहा है कि प्रार्थी इस प्रमाण पत्र के आधार पर स्वास्थ्य निरीक्षक का डिप्लोमाधारी था। प्रदर्श डब्ल्यू-9 के अनुसार उसने मेट्रिक परीक्षा पास कर ली थी और दिनांक 30-9-1993 तक उसका सेवाकाल लगभग 5 वर्ष का हो चुका था। अतः वह इस परीक्षा में बैठने की पात्रता रखता था फिर भी उसे परीक्षा में आमंत्रित नहीं किया गया। अतः रेफरेंस स्वीकार कर बर्णित अनुतोष प्रदान किया जावे।

11. इसके विपरीत विपक्षी के योग्य अधिवक्ता-प्रतिनिधि ने भी प्रार्थी के कथित स्वास्थ्य निरीक्षक के प्रमाण पत्र प्रदर्श डब्ल्यू-10 की ओर हमारा ध्यान आकर्षित कर कहा है कि यह प्रमाण पत्र “स्वास्थ्य निरीक्षक का डिप्लोमा का प्रमाण पत्र नहीं है बल्कि स्वास्थ्य निरीक्षक की ट्रेनिंग कोर्स परीक्षा” से सम्बन्धित प्रमाण पत्र है। उनका कथन है कि वास्तव में प्रार्थी द्वारा वर्ष 1997-98 में स्वास्थ्य निरीक्षक के डिप्लोमा की परीक्षा उत्तीर्ण की है जो प्रमाण पत्र प्रदर्श एम-2 प्रस्तुत किया है। इस तथ्यात्मक परिप्रेक्ष्य में ही श्रमिक को दिनांक 18-4-94 को लिखित परीक्षा में बैठने की अनुमति नहीं दी जाने के तथ्य को उचित होना कहा है।

12. मैंने दोनों पक्षों के तर्कों के आधार पर तथाकथित प्रमाण पत्र प्रदर्श डब्ल्यू-10 का अध्ययन किया है और मैं विपक्षी के योग्य अधिवक्ता के तर्क एवं कथन से सहमत हूं कि उक्त प्रमाण पत्र स्वास्थ्य निरीक्षक के डिप्लोमा कोर्स उत्तीर्ण करने का प्रमाण पत्र नहीं है बल्कि स्वास्थ्य निरीक्षक ट्रेनिंग कोर्स परीक्षा में दिल्ली विश्वविद्यालय का प्रमाण पत्र है। प्रार्थी पक्ष स्वीकार करते हैं कि उनको ओर से यही प्रमाण पत्र आवेदन पत्र प्रदर्श डब्ल्यू-16 के साथ प्रार्थी ने संलग्न किया था।

13. इस प्रमाण पत्र के संबंध में विपक्षी पक्ष ने स्वयं प्रार्थी से ए. डब्ल्यू-1 बाबूलाल से जिरह की तो उसने निम्न आशय का बयान दिया है - “सेनेटरी इंस्पेक्टर की एस.आई.टी परीक्षा पास करने का प्रमाण पत्र प्रदर्श डब्ल्यू-10 है। उक्त परीक्षा मैंने दिल्ली से पास की थी। यह सही है कि मैंने सेनेटरी इंस्पेक्टर ट्रेनिंग कोर्स की परीक्षा पास की थी। जिसका प्रमाण पत्र प्रदर्श डब्ल्यू-10 है। सेनेटरी इंस्पेक्टर के डिप्लोमा की परीक्षा पास नहीं की थी।” आगे कहा है कि “मैंने सेनेटरी इंस्पेक्टर के डिप्लोमा परीक्षा भी पास की थी जिसका कोई प्रमाण पत्र पेश नहीं किया है। डिप्लोमा कोर्स लोकल सेल्फ गवर्नरमेंट बाबे संस्था से लिया था। 1997-98 में डिप्लोमा कोर्स किया था।”

14. प्रार्थी श्रमिक स्वयं के कथनों से संदेह से परे प्रमाणित है कि जो प्रमाण पत्र प्रदर्श डब्ल्यू-10 उसके द्वारा आवेदन प्रदर्श डब्ल्यू-16 के साथ संलग्न किया था वह प्रमाण पत्र सेनेटरी निरीक्षक के डिप्लोमा परीक्षा का प्रमाण पत्र नहीं था। बल्कि सेनेटरी निरीक्षक की ट्रेनिंग

कोर्स की परीक्षा का प्रमाण पत्र था। उपरोक्त परिस्थितियों से यह भी स्थापित है कि प्रार्थी निसंदेह विज्ञप्ति दिनांक 25-10-1993 प्रदर्श उद्घृ-15 से आमंत्रित किये गये आवेदन के लिये पात्रता नहीं रखता था क्योंकि वह स्वास्थ्य निरीक्षक का डिल्सोमाधारी नहीं था। ऐसी स्थिति में विपक्षी पक्ष द्वारा उसे वर्ष 1993-94 में रेंकर्स कोटे के लिये ली गई परीक्षा में आमंत्रित नहीं किया गया तो इस कार्यवाही को अनुचित एवं अवैधानिक नहीं माना जा सकता है बल्कि जब वह पात्रता ही नहीं रखता था तो उसे परीक्षा में बैठने की अनुमति नहीं दिया जाना उचित है।

15. उपरोक्त तथ्यात्मक परिप्रेक्ष्य में मैं इस मामले में प्रस्तुत किये गये तर्कों मसलन विवाद को देरी से उठाने का तर्क अथवा प्रार्थी अधिक के आवेदन को अस्वीकार करने की सूचना नहीं देने का तर्क आदि के बिन्दुओं पर और विवेचन करने का औचित्य नहीं समझता हूँ और प्रेषित विवाद का उत्तर निम्न प्रकार से देता हूँ:-

### आदेश-अवार्ड

**फलतः** भारत सरकार, श्रम मंत्रालय की ओर से प्रेषित विवाद का उत्तर इस प्रकार से दिया जाता है कि नोर्थ बेस्टन, रेलवे के ही.आर.एम. कार्यालय के प्रबंधन द्वारा उनके श्रमिक बाबूलाल पुत्र भोलाराम को वर्ष 1993-94 के लिये स्वास्थ्य निरीक्षक के पद के लिये आयोजित विभागीय परीक्षा में बैठने नहीं देने की कार्यवाही न्यायोचित है। अतः प्रार्थी इस न्यायालय से अथवा विपक्षी से कोई अनुशोषण पाने का अधिकारी नहीं है।

पवन एन. खन्द, न्यायाधीश

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 783.—**—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडैम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबद्ध विवोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, न.-I, छण्डीगढ़ के पंचाट (संदर्भ संख्या 13/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।**

[सं. एल-42012/91/2010-आई आर (डी यू)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 783.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.13/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workmen, which was received by the Central Government on 23-2-2011.

[No. L-42012/91/2010-IR(DU)]

D. S. S. SRINIVASA RAO, Desk Officer

### ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
No. 1, CHANDIGARH

Case ID No. 13/2010

Sh. Sunil Kumar S/o Shri Jai Singh,  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 22/10,  
Thanera Mohalla,  
Mandi (HP)

...Applicant

### Versus

1. The General Manager,  
Koldam Hydro Electric Power Project,  
NTPC, VPO Barmana,  
Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.,  
Koldam Hydro Electric Power Project,  
Village Kayan,  
P.O. Slapper,  
The Sundernagar,  
Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan,  
P.O. Slapper,  
Tehsil Sundernagar,  
Mandi (HP)-171002

...Respondent

### APPEARANCES:

For the Workman :	None.
For the Management :	Shri Surinder Pal for NTPC, Hem Raj Sharma for Project, Manager, Italian Thai Dev. Co. None for M.D. M/s. U.R. Infrastructure Co.

### AWARD

Passed on 9-2-2011.

Government of India vide notification no. L-42012/91/2010-IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydro Electric Power, Bilaspur (HP) in terminating the services of their workmen Shri Sunil Kumar S/o Shri Jai Singh Vide order dated

3-08-2008, is legal and justified? If not, what relief the workmen is entitled to?"

2. Case is taken up for hearing. No one is present on behalf of the workmen despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workmen is not interested to pursue with the present reference. In view of the above, as the workman appears to be not interested, the reference is returned to the Central Government as such for want of prosecution. Central Government be informed. File be consigned to record.

Chandigarh.

9-2-2011 G K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

का.आ. 784.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडैम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/प्रम स्थायालय न.-I, चाण्डीगढ़ के पंचाट (संदर्भ संख्या 14/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/92/2010-आई आर (डी यू)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

S.O. 784.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.14/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/92/2010-IR(DU)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-  
NO. 1, CHANDIGARH

CASE ID NO. 14/2010

Sanjeev Kumar S/o Shri Shankar Ram,  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thancha Mohalla,  
Mandi. (HP)

...Applicant

#### Versus

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana,  
Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan,  
P.O. Slapper,  
The Sundernagar,  
Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan,  
P.O. Slapper,  
Tehsil Sundernagar,  
Mandi, (HP)-171002

...Respondent.

#### APPEARANCES:

For the Workman	:	None.
For the Management	:	Shri Surinder Pal for NTPC, Hem Raj Sharma for Project Manager, Italian Thai Dev. Co. None for M.D. M/s. U.R. Infrasatrucre Co.

#### AWARD

Passed on 9-2-2011.

Government of India vide notification no. L-42012/92/2010-IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :

"Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power, Bilaspur (HP) in terminating the services of their workmen Shri Sanjeev Kumar S/o Shri Shankar Ram Vide order dated 31-7-2008, is legal and justified? If not, what relief the workmen is entitled to?"

2. Case is taken up for hearing. No one is present on behalf of the workmen despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workmen is not interested to pursue with the present reference. In view of the above, as the workman appears to be not interested, the reference is returned to the Central Government as such for want of prosecution. Central Government be informed. File be consigned to record.

Chandigarh.

9-2-2011

G K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 785.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 15/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।**

[सं. एल-42012/93/2010-आई आर(डी यू)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 785.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.15/2010) of the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workmen, which was received by the Central Government on 23-2-2011.**

[No. L-42012/93/2010-IR(DU)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-  
NO. 1, CHANDIGARH**

**Case ID No. 15/2010**

Sh. Gurender Kumar S/o Shri Durga Dass  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi. (HP)

...Applicant

#### Versus

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Banjara, Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.,  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002

...Respondent

#### APPEARANCES

For the Workman	None.
For the Management	Shri Surinder Pal for NTPC, Hem Raj Sharma for Project Manager Italian Thai Dev. Co. None for M.D. M/s. UR Infrastructure Co.

#### AWARD

Passed on 9-2-2011.

Government of India vide notification no. L-42012/93/2010-IR(DU) dated 30-9-2010 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal:—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power Bilaspur (HP) in terminating the services of their workmen Shri Gurender Kumar S/o Shri Durga Dass vide order dated 13-8-2008, is legal and justified? If not, what relief the workmen is entitled to?”

2. Case is taken up for hearing. No one is present on behalf of the workmen despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workmen though five dates have been fixed in the case. It appears that workmen is not interested to pursue with the present reference. In view of the above as the workmen appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh,

9-2-2011

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 786.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 14/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।**

[सं. एल-42012/94/2010-आई आर(डी.यू.)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 786.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.16/2010) of the Central Government Industrial Tribunal-cum-Labour Court-No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/94/2010-IR (DU)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
NO. 1, CHANDIGARH**

**CASE ID NO. 16/2010**

Sh. Ram Singh S/o Shri Attar Singh  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi. (HP)

...Applicant

#### Versus

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002

...Respondent

#### APPEARANCES

For the Workman	:	None
For the Management	:	Shri Surinder Pal for NTPC, Hem Raj Sharma for Project. Manager Italian Thai Dev. Co. None for M.D. M/s. UR Infrastructure Co.

#### AWARD

Passed on 9-2-2011.

Government of India vide notification no. L-42012/94/2010-IR(DU) dated 30-9-2010 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power Bilaspur (HP) in terminating the services of their workmen Shri Ram Singh S/o Shri Attar Singh Vide order dated 29-8-2008, is legal and justified? If not, what relief the workman is entitled to ?”

2. Case is taken up for hearing. No one is present on behalf of the workman despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workman is not interested to pursue with the present reference. In view of the above as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

9-2-2011

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 787.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 17/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/95/2010-आई आर(डी यू)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 787.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.17/2010) of the Central Government Industrial Tribunal-cum-Labour Court-No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/95/2010-IR (DU)]

D. S. S. SRINIVASA RAO, Desk Officer

**ANNEXURE**

**BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-  
NO. 1, CHANDIGARH**

**CASE ID NO. 17/2010**

Sh. Vijay Kumar S/o Shri Krishan Lal  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi. (HP)

...Applicant

**Versus**

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
The Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002

**Respondent****APPEARANCES:**

- |                    |   |  |
|--------------------|---|--|
| For the Workman    | : | None   |
| For the Management | : | Shri Surinder Pal for<br>NTPC, Hem Raj Sharma<br>for Project Manager<br>Italian Thai Dev. Co.<br>None for M.D. M/s. UR<br>Infrastructure Co. |

**AWARD**

Passed on 9-2-2011

Government of India vide notification no. L-42012/95/2010/IR(DU) dated 30-9-2010 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power Bilaspur (HP) in terminating the services of their workmen Shri Vijay Kumar S/o Shri Krishan Lal Vide order dated 29-08-2008, is legal and justified? If not, what relief the workman is entitled to ?”

2. Case is taken up for hearing. No one is present on behalf of the workmen despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workmen is not interested to pursue with the present reference. In view of the above as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Government be informed. File be consigned to record.

Chandigarh.

9-2-2011

**G. K. SHARMA, Presiding Officer**

नई दिल्ली, 23 फरवरी, 2011

का.आ. 788.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडैम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 18/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/96/2010-आई आर(डी यू)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 788.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 18/2010) of the Central Government Industrial Tribunal-cum-Labour Court-No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/96/2010-IR(DU)]

D. S. S. SRINIVASA RAO, Desk Officer

**ANNEXURE**

**BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-  
NO. 1, CHANDIGARH**

**Case ID No. 18/2010**

Sh. Naresh Kumar S/o Shri Naru Ram  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi. (HP)

...Applicant

## Versus

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.
  2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)
  3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002
- ...Respondent.

## APPEARANCES:

- |                    |   |  |
|--------------------|---|--|
| For the Workman    | : | None.  |
| For the Management | : | Shri Surinder Pal for<br>NTPC, Hem Raj Sharma<br>for Project Manager<br>Italian Thai Dev. Co.<br>None for M.D. M/s. UR<br>Infrastructure Co. |

## AWARD

Passed on 9-2-2011.

Government of India vide notification no. L-42012/96/2010/IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power Bilaspur (HP) in terminating the services of their workmen Shri Naresh Kumar S/o Shri Naru Ram Vide order dated 29-08-2008, is legal and justified? If not, what relief the workmen is entitled to ?”

2. Case is taken up for hearing. No one is present on behalf of the workmen despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workmen though five dates have been fixed in the case. It appears that workmen is not interested to pursue with the present reference. In view of the above as the workman appears to be not interested, the reference is returned to the Central Government as such for want of prosecution. Central Government be informed. File be consigned to record.

Chandigarh.

9-2-2011

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 789.—**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम

हाईकोर्ट इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चंडीगढ़ के पंचाट (संदर्भ संख्या 19/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/97/2010-आई आर(डी यू)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 789.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.19/2010) of the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/97/2010-IR (DU)]

D. S. S. SRINIVASA RAO, Desk Officer

## ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-  
NO. 1, CHANDIGARH

Case ID No. 19/2010

Sh. Balak Ram S/o Shri Rattan Chand  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi. (HP)

...Applicant

## Versus

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002

...Respondent.

## APPEARANCES:

- |                    |   |  |
|--------------------|---|--|
| For the Workman    | : | None.  |
| For the Management | : | Shri Surinder Pal for<br>NTPC, Hem Raj Sharma<br>for Project Manager<br>Italian Thai Dev. Co.<br>None for M.D. M/s. UR<br>Infrastructure Co. |

**AWARD**

Passed on 9-2-2011.

Government of India vide notification no. L-42012/98/2010/IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power Bilaspur (HP) in terminating the services of their workmen Shri Balak Ram S/o Shri Rattan Chand Vide order dated 13-08-2008, is legal and justified? If not, what relief the workmen is entitled to ?”

2. Case is taken up for hearing. No one is present on behalf of the workmen despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workmen is not interested to pursue with the present reference. In view of the above as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Government be informed. File be consigned to record.

Chandigarh.

9-2-2011

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**S.O. 790.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 20/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/98/2010-आई आर(डी यू)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 790.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.20/2010) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/98/2010-IR(DU)]

D. S. S. SRINIVASA RAO, Desk Officer

**ANNEXURE**

BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-

NO. 1, CHANDIGARH

CASE ID NO. 20/2010

Sh. Subhash Chand S/o Shri Roshan Lal  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi. (HP)

...Applicant

**Versus**

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002

...Respondent.

**APPEARANCES:**

For the Workman :	None.
For the Management :	Shri Surinder Pal for NTPC, Hem Raj Sharma for Project Manager Italian Thai Dev. Co. None for M.D. M/s. UR Infrastructure Co.

**AWARD**

Passed on 9-2-2011.

Government of India vide notification no. L-42012/98/2010/IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power Bilaspur (HP) in terminating the services of their workmen Shri Subhash Chand S/o Shri Roshan Lal Vide order dated 13-08-2008, is legal and justified? If not, what relief the workmen is entitled to ?”

2. Case is taken up for hearing. No one is present on behalf of the workmen despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation

of any kind was received from the workman though five dates have been fixed in the case. It appears that workmen is not interested to pursue with the present reference. In view of the above as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

9-2-2011

G K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 791.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चांडीगढ़ के पंचाट (संदर्भ संख्या 21/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/99/2010-आई आर(डी यू)]

डॉ.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 791.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2010) of the Central Government Industrial Tribunal-cum-Labour Court-1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/99/2010-IR (DU)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-  
NO. 1, CHANDIGARH

CASE ID NO. 21/2010

राम राम श्री श्री प्रेमा  
देवेश कुमार शर्मा,  
प्रोटोकॉल ऑफिसर, C.I.T.,  
चांडीगढ़, मंडी, 221/10,  
महाराष्ट्र, मंडी, मंडी, (HP)

...Applicant

#### Versus

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.

2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002

...Respondent

#### APPEARANCES

For the Workman	:	None
For the Management	:	Shri Surinder Pal for NTPC, Hem Raj Sharma for Project Manager Italian Thai Dev. Co. None for M. D. M/s. U. R. Infrastructure Co.

#### AWARD

Passed on 9-2-2011

Government of India vide notification No. L-42012/99/2010-IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power Bilaspur (HP) in terminating the services of their workman Shri Bhagat Ram S/o Shri Prema vide order dated 13-08-2008, is legal and justified? If not, what relief the workman is entitled to ?”

2. Case is taken up for hearing. No one is present on behalf of the workman despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workman is not interested to pursue with the present reference. In view of the above as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh,

9-2-2011

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 792.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I,

चण्डीगढ़ के पंचाट (संदर्भ संख्या 22/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/100/2010-आई आर(डी यू)]

डॉ. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 792.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/2010) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/100/2010-IR (DU)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-  
NO. I, CHANDIGARH  
CASE ID NO. 22/2010

Sh. Desh Raj S/o Shri Sohan Lal  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi. (HP)

...Applicant

#### Versus

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002

...Respondent

#### APPEARANCES

- |                      |  |
|----------------------|--|
| For the Workman :    | None.  |
| For the Management : | Shri Surinder Pal for<br>NTPC, Hem Raj Sharma<br>for Project Manager<br>Italian Thai Dev. Co.<br>None for M.D. M/s. UR<br>Infrastructure Co. |

#### AWARD

Passed on 9-2-2011

Government of India vide notification No. L-42012-100/2010-IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power Bilaspur (HP) in terminating the services of their workman Shri Desh Raj S/o Shri Sohan Lal vide order dated 13-08-2008, is legal and justified? If not, what relief the workman is entitled to ?”

2. Case is taken up for hearing. No one is present on behalf of the workman despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workman is not interested to pursue with the present reference. In view of the above as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

9-2-2011

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 793.**—औद्योगिक विवाद अधिनियम, 1947 (1947 वा 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, चण्डीगढ़ के पंचाट (संदर्भ संख्या 23/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/101/2010-आई आर(डी. यू.)]

डॉ. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 793.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 23/2010) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/101/2010-IR (DU)]

D. S. S. SRINIVASA RAO, Desk Officer

**ANNEXURE**

**BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
No. I, CHANDIGARH**

**Case ID No. 23/2010**

Sh. Kanhu Ram S/o Shri Nand Ram  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi (HP)

...Applicant

**Versus**

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)-171002

...Respondents

**APPEARANCES**

- For the Workman : None.  
 For the Management : Shri Surinder Pal for  
NTPC, Hem Raj Sharma  
for Project. Manager  
Italian Thai Dev. Co.,  
None for M.D. M/s. UR  
Infrstrucure Co.

**AWARD**

Passed on 9-2-2011.

Government of India vide notification No. L-42012/10/2010-IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

"Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power Bilaspur (HP) in terminating the services of their workman Shri Kanhu Ram S/o Shri Nand Ram vide order dated 13-08-2008, is legal and justified? If not, what relief the workmen is entitled to?"

2. Case is taken up for hearing. No one is present on behalf of the workman despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation

of any kind was received from the workman though five dates have been fixed in the case. It appears that workman is not interested to pursue with the present reference. In view of the above, as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

9-2-2011

**G. K. SHARMA, Presiding Officer**

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 794.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार कोलडम हॉटेल इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 24/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।**

[सं. एल-42012/102/2010-आई आर(डी यू)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 794.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.**

[No. L-42012/102/2010-IR(DU)]

D. S. S. SRINIVASA RAO, Desk Officer

**ANNEXURE**

**BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
No. I, CHANDIGARH**

**Case ID No. 24/2010**

Sh. Jagdish Chaudhary S/o Late Shri Bardu Ram  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi. (HP)

...Applicant

**Versus**

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.

2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Teh. Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002  
...Respondents

**APPEARANCES:**

- For the Workman : None.
- For the Management : Shri Surinder Pal for NTPC, Hem Raj Sharma for Project Manager, Italian Thai Dev. Co., None for M.D. M/s. U. R. Infrastructure Co.

**AWARD**

Passed on 9-2-2011.

Government of India vide notification no. L-42012/102/2010-IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydroelectric Power, Bilaspur (HP) in terminating the services of their workman Shri Jagdish Chand S/o Late Shri Bardu Ram Vide order dated 13-08-2008, is legal and justified? If not, what relief the workmen is entitled to?”

2: Case is taken up for hearing. No one is present on behalf of the workman despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workman is not interested to pursue with the present reference. In view of the above, as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

9-2-2011

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 795.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-I, चण्डीगढ़ के**

पंचाट (संदर्भ संख्या 25/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/103/2010-आई आ.(डी.यू.)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 795.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2010) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42012/103/2010-IR(DU)]

D. S. S. SRINIVASA RAO, Desk Officer

**ANNEXURE**

**BEFORE SHRI GYANENDRA KUMAR SHARMA  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
No. 1, CHANDIGARH**

**CASE ID NO. 25/2010**

Sh. Mast Ram S/o Shri Dhani Ram  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi. (HP)

...Applicant

**Versus**

1. The General Manager,  
Kol Dam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.  
Kol Dam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Teh. Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi, (HP)-171002

...Respondent

**APPEARANCES**

- For the Workman : None.
- For the Management : Shri Surinder Pal for NTPC, Hem Raj Sharma for Project Manager, Italian Thai Dev. Co., None for M.D. M/s. U.R. Infrastructure Co.

**AWARD**

Passed on 9-2-2011

Government of India vide notification No. L-42012/104/2010-IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydro Electric Power Project Bilaspur (HP) in terminating the services of their workmen Shri Mast Ram S/o Late Shri Dhani Ram Vide order dated 13-08-2008, is legal and justified? If not, what relief the workmen is entitled to?”

2. Case is taken up for hearing. No one is present on behalf of the workmen despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workmen is not interested to pursue with the present reference. In view of the above, as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

9-2-2011

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 796.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडैम हाईड्रो इलेक्ट्रिक पावर प्रोजेक्ट, एन.टी.पी.सी. के प्रबंधतत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 26/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42012/104/2010-आई आर(डी यू)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 796.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 26/2010) of the Central Government Industrial Tribunal-cum-Labour Court-I, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workmen, which was received by the Central Government on 23-2-2011.

[No. L-42012/104/2010-IR(DU)]

D. S. S. SRINIVASA RAO, Desk Officer

**ANNEXURE**

**BEFORE SHRI GYANENDRA KUMAR SHARMA,  
PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
No. 1, CHANDIGARH**

Case ID No. 26/2010

Sh. Surinder Pal S/o Shri Makhani Ram,  
C/o Shri Rajesh Kumar Sharma,  
President District CITU,  
District Committee Mandi, 221/10,  
Thanera Mohalla, Mandi (HP)

...Applicant

**Versus**

1. The General Manager,  
Koldam Hydro Electric Power Project,  
NTPC, VPO Barmana, Bilaspur.
2. Proj. Manager,  
Italian Thai Development Co. Ltd.,  
Koldam Hydro Electric Power Project,  
Village Kayan, P.O. Slapper,  
Tehsil Sundernagar, Mandi (HP)
3. The Managing Director,  
M/s. U. R. Infrastructure Co. Pvt. Ltd.,  
Village Kayan, P.O. Slapper.  
Tehsil Sundernagar, Mandi (HP)-171 002

...Respondent.

**APPEARANCES:**

For the Workman	:	None.
For the Management	:	Shri Surinder Pal for NTPC, Hem Raj Sharma for Project Manager, Italian Thai Dev. Co. None for M.D. M/s.U.R. Infrastructure Co. Ltd.

**AWARD**

Passed on 9-2-2011

Government of India vide notification No. L-42012/104/2010-IR(DU) dated 30-09-2010 by exercising its powers under Section 10 of the Industrial Disputes Act, (the Act in short) has referred the following industrial dispute for adjudication to this Tribunal :—

“Whether the action of the management of M/s. U. R. Infrastructure Co. Pvt. Ltd., a sub contractor of NTPC Koldam Hydro Elecric Power Project, Bilaspur (HP) in terminating the services of their workmen Shri Surinder Pal S/o Shri Makhani Ram Vide order dated 31-07-2008, is legal and justified? If not, what relief the workmen is entitled to?”

2. Case is taken up for hearing. No. one is present on behalf of the workmen despite sufficient notice. Authorized representatives of the management are present. No claim statement has been filed. No intimation of any kind was received from the workman though five dates have been fixed in the case. It appears that workman is not interested to pursue with the present reference. In view of the above as the workman appears to be not interested, the reference is returned to the Central Govt. as such for want of prosecution. Central Govt. be informed. File be consigned to record.

Chandigarh.

9-2-2011

G. K. SHARMA, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 797.—**ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कमांडेन्ट ओ. डी. फोर्ट, इलाहाबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 2/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-14011/20/2008-आई आर (डी यू)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 797.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of commandant O.D. Fort, Allahabad and their workmen, which was received by the Central Government on 23-2-2011.

[No. L-14011/20/2008-IR (DU)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

#### PRESENT

Dr. MANJU NIGAM,

Presiding Officer

I. D. No. 02/2010

Ref. No. L-14011/20/2008-IR (DU) dated : 8-1-2010

#### BETWEEN

I. The General Secretary, Ordnance Depot Employees Union, 184, New Mumford Ganj, Allahabad

2. The General Secretary, Killa Mazdoor Panchayat, 50, Shramik Colony, Naini, Allahabad
3. General Secretary, Pratiraksha, Karamchari, Sangh, EWS, 24/17, Preetam Nagar, Allahabad

AND

The Commandant O.D. Fort, Allahabad.

#### AWARD

1. By order No. L-14011/20/2008-IR (DU) dated : 08-01-2010, the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between The General Secretary, Ordnance Depot Employees Union, 184, New Mumford Ganj, Allahabad & the General Secretary, Killa Mazdoor Panchayat, 50, Shramik Colony, Naini, Allahabad & the General Secretary, Pratiraksha Karamchari Sangh, EWS, 24/17, Preetam Nagar, Allahabad and the Commandant, O. D. Fort, Allahabad for adjudication.

2. The reference under adjudication is :

“Whether the demand of Ordnance Depot Employees Union for cancellation of Notification Dated 15-3-2008 issued by the management of Commandant O.D. Fort, Allahabad for conducting elections to the work committee is legal and justified ? If not, what relief the workman are entitled to ?”

3. The order of reference was endorsed to all the three representative Unions with direction to the party raising the dispute to file the statement of claim along with relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such a statement to each one of the opposite parties involved in this dispute under Rule 10 (B) of the Industrial Disputes (Central), Rules, 1957.

4. The order of reference was registered in the Tribunal on 2-02-2010 and registered notices were issued to the workmen's unions with direction to appear before this Tribunal either in person or through its authorized representative and file its statement of claim along with relevant documents and list of witnesses on 26-2-2010. None appeared on behalf of the workman's union on 26-2-2010, 30-3-2010, 23-4-2010, 2-6-2010, 2-7-2010 and 12-8-2010, nor the notices issued to the workman's union were received back in the office, which was sufficient to draw presumption that notices were adequately served upon the workman's union. On 12-8-2010, another notice was issued to the workman's union, in the interest of justice, to file their statement of claim; but this time again none turned up from any of the union on the dates fixed i.e. on 15-9-2010, 27-10-2010, 30-11-2010, 11-11-2010 and 4-12-2011; nor was any adjournment application moved from any of the union. Keeping in view, long absence of the parties raising the disputes, in spite of sufficient service, the case was reserved for award on 4-2-2011.

5. From perusal of the records it is very much evident that after registration of the case on 2-2-2010, the registered notices were issued to all the three representative unions on 3-2-2010 and 16-8-2010; but none appeared from any of the union nor any statement of claim was filed even after lapse of considerable time of one year. Thus, failure of the workman's unions in filing of the statement of claim indicates that the workman's unions are not willing to contest their case any more.

6. In the above circumstances, it appears that the workman's unions do not want to pursue their claim on the basis of which they have raised present industrial dispute; therefore, the present reference order is decided as if there is no grievance left with the workman's unions. Resultantly no relief is required to be given to the Unions concerned. The reference under adjudication is answered accordingly.

#### 7. Award as above.

Lucknow DR. MANJU NIGAM, Presiding Officer  
4-2-2011

नई दिल्ली, 23 फरवरी, 2011

का.आ. 798.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान इंसेक्टिसाइट्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी. जी. आई. टी.-2/18 ऑफ 2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-42011/52/2008-आई आर (डी यू)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

S.O. 798.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/18 of 2009) of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Insecticides Ltd., and their workman, which was received by the Central Government on 23-2-2011.

[No. L-42011/52/2008-IR (DU)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL No. 2,  
MUMBAI

#### PRESENT

K. B. KATAKE, Presiding Officer

REFERENCE NO.CGIT-2/18 of 2009

#### EMPLOYERS IN RELATION TO THE MANAGEMENT OF HINDUSTAN INSECTICIDES LTD.

The General Manager Hindustan Insecticides Ltd.  
P. O. Rasayani Raigad (MS)

Pin 410 207.

AND

THEIR WORKMEN.

The General Secretary

HIL Rasayani Employees Union  
Tel Rasayan Bhawan

Tilak Road Dadar

Mumbai-400 014.

#### APPEARANCES:

FOR THE EMPLOYER : Mr. A. M. Jalisatgi Advocate.

FOR THE WORKMEN : No appearance.

Mumbai, dated the 6th January 2011.

#### AWARD

The Government of India, Ministry of Labour & Employment by its Order No.L-42011/52/2008-IR (DU), dated 2-3-2009 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

“Whether the demand of the HIL Rasayani Employees Union for Medical Diary Facility, Medical facility to Parents, Leave Travel Concession to dependents, employment on compassionate grounds, children education facility at HOCL School, and bus facility to family members and bus route from the management of Hindustan Insecticides Ltd. is legal and justified? If yes, to what relief the workmen are entitled to?”

2. After receipt of reference, in response to the notice, the second party has filed statement of claim at Ex-6. According to them, the members of its union are the workmen of the first party Company. The union has signed a long term settlement with first party company on 8-5-2001. The period for settlement is for 10 years. The parties have started discussion on charter of demand dated 26-09-1997, 13-11-1997 and supplementary charter of demand dated 14-8-2000 which was to be made applicable from 01-04-1997. The parties have taken into consideration the cost of living, the wage structure and the capacity of the company etc. and signed a wage rise settlement on 8-5-2001. According to them as per the practice and procedure agreed terms and conditions were forwarded to the Ministry for approval. The said approval was subsequently received but again first party company had inserted certain riders before granting the approval. The

second party union had opposed the said changes as the settlement was for period of 10 years and parties have entered into after considering all the pros and cons of the agreement. The first party had withdrawn the medical diary for getting medical assistance. They have changed the definition of family for the purpose of medical attendance. They have changed leave travel concession in respect of the dependents of the workmen. They have withdrawn the facility of appointment of dependents of deceased employees on compassionate ground. They have withdrawn facility of children education and bus facility to the family members of the company. Therefore, the workmen have applied to the Assistant Labour Commissioner for conciliation. The effort of conciliation were failed, therefore ALC (C) sent the reference to Ministry of Labour & Employment. The Ministry sent the said reference to this Tribunal for adjudication. The workmen herein pray that the first party be directed not to alter the settlement they have signed for 10 years and they pray for restoration of the facilities altered by first party.

3. The first party resisted the statement of claim vide its written statement at Ex-8. According to them the reference is not maintainable in law and this Tribunal has no jurisdiction to entertain the reference. The workmen are claiming to be member of another union namely Konkan Shramik Sangh, therefore, HILRE Union is not representative of these employees. Thus their demand is not maintainable. The settlement dated 7-10-2005 was signed by both the unions. It is in operation and they have not terminated the same. The Konkan Shramik Sangh claiming to represent majority of the workmen, employed at Rasayani Factory is necessary party to the dispute. The reference is thus bad for non-joinder of necessary party. The first party is a Government Company controlled by Ministry of Chemical & Fertilizers, Government of India. It was facing several financial crisis accumulating loses to the tune of Rs.87 crores. The net worth of the company became zero, therefore, BIFR referred it under the Sick Industries Co. (Special Provisions Act 1986). The factory was not running economically well because of heavy manpower and other costs. After protracted negotiations, the management and union reached to a settlement dt. 7-10-2005. The losses could substantially be brought down because of rehabilitation package granted by BIFR. HILRE Union has no justification on the issues involved. Its demand is illegal, unjustified & not proper.

4. The Medical diary facility company denies on account of discontinuing medical diary facility to the family members of deceased worker. The allegations are vague and baseless. According to them the existing medical facilities have not be discontinued. Only the procedure is changed. In respect of medical facilities to parents, the company states that settlement dated 7-10-2005 is just and proper. The facility is uniform among all the units of the company. In respect of LTC, the change incorporated

as per settlement dated 7-10-2005. It is just and proper. The company is no more remain productive industry and has to survive in the indigenous as well as global competition. Therefore discontinuance of such facilities are legal and proper. Bus facility can be used only for attending work. The settlement to that effect dated 7-10-2005 is just legal and proper, therefore the first party claims that the workmen are not entitled to get any relief. Therefore prays that the reference be rejected.

5. Following are the recasted issues for my determination. I record my findings thereon for the reasons to follow :

#### Issues

- (i) Whether the second party union is the representative of the majority workers?
- (ii) Whether the workers are entitled to the facilities claimed for by the second party?
- (iii) What relief the workmen of various categories are entitled to?
- (iv) What order?

#### Reasons

##### Issue No. 1 :—

6. In the case at hand, it is specifically pleaded by and on behalf of first party in their written statement at Ex-8 that most of the workers have left the second party union and they have joined Konkan Shramik Sangh Union. According to the first party, Konkan Shramik Sangh is the representative of majority of workers. In the circumstances, burden was on the second party union to produce evidence on record to show that it is representing majority of workers. However, in the case at hand, second party has neither filed any document nor lead any oral evidence to substantiate its claim that it is representing the majority of workers. The second party and its representative were absent on number of dates. They did not lead any oral or documentary evidence to show that their union is representing majority of workers. In the circumstances, I come to the conclusion that the second party failed to discharge the burden by leading evidence. Thus I decide this issue no. 1 in the negative.

##### Issue No. 2 & 3 :—

7. In the case at hand, according to the first party company, they have not cancelled all the facilities. On the other hand, according to them, they have modified some of the facilities of the workers. According to the first party, as per modification, there was settlement and agreement signed by both the unions dated 7-10-2005. According to the first party, they are giving the facilities as per the agreement between the parties signed on 7-10-2005. This averment is neither denied nor challenged by the second party by leading any oral or documentary evidence. In the circumstances, I hold that the first party is giving the

facilities as per the new agreement dated 7-10-2005. Therefore, question of granting any additional facility as claimed by the second party does not arise. Accordingly I decide this Issue No. 2 in the negative. Ultimately I hold that the second party union or its workmen are not entitled to any relief. Thus, I decide this issue No.3 also in the negative and hold that claim deserves to be rejected. Thus reference deserves to be rejected. Hence the order:

#### ORDER

Reference stands rejected.

Dated: 6-01-2011

K. B. KATAKE, Presiding Officer

नई दिल्ली, 23 फरवरी, 2011

**का.आ. 799.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम डिस्ट्रीट मैनेजर, बी. एस. इन. एल. के प्रबंधतंत्र के संबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या सी. जी. आई. टी./एल सी/आर/81/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था;**

[सं. एल-40012/23/2002-आई आर (डी यू)]

डी. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 23rd February, 2011

**S.O. 799.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/81/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom District Manager, BSNL and their workman, which was received by the Central Government on 23-2-2011.

[No. L-40012/23/2002-IR (DU)]

By S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/81/2002

Presiding Officer : Shri Mohd. Shakir Hasan

1. Shri Narendra Gagare,  
2. Shri Shyamal Gagare,  
Subhash Ward, Multai,  
Betul ..... Workman/Union

Versus

The Telecom District Manager,  
BSNL, Betul ..... Management

#### AWARD

Passed on this 8th day of February 2011

I. The Government of India, Ministry of Labour vide its Notification No. L-40012/23/2002-IR (DU) dated 24-5-2002 has referred the following dispute for adjudication by this tribunal :—

“ Whether the action of the management of TDM, Betul in terminating the services of Shri Narendra Gagare S/o Shri Shyamal Gagare w.e.f. 1-6-90 is justified? If not, to what relief the workman is entitled for?”

2. The case of the workman, in short is that the workman was engaged as a casual worker on daily wages in the year 1983 with the management at Betul but he was illegally retrenched vide letter No. A/I-1 Casual/Labour/90-91 dated 1-6-90 from service. He had worked more than 240 days under the provision of Section 25 B of the Industrial Dispute Act (in short the Act) and violated the provision of Section 25-F of the Act without giving any compensation. The management had subsequently re-employed Namdeo, Jangli, Santram, Ramchandra, Parladh, Sohan and Sitaram etc. who were junior to him and had violated the provision of Section 25 H of the Act. It is stated that the workman had worked more than 240 days in service and had acquired the status of regular employee. It is also stated that the management had committed unfair labour practice as has been provided in Section 2(ra) and schedule V(10) of the Act. On these grounds, it is submitted that the order of retrenchment w.e.f. 1-6-1990 be set aside and the workman be reinstated on full pay.

3. The management appeared and filed Written Statement to contest the reference. The case of the management, inter alia, is that admittedly the workman was engaged in March 1983 as casual labour on muster roll. It is stated that the workman was retrenched vide order No. A-161/ke.Ma/90-91 dated 1-6-1990 on account of his absence for more than 12 months. He worked in the year 1983-115 days, 1986-361 days, 1987-291 days, 1988-362 days and 1989-363 days. He was terminated because he was absent from August 1984 to September 1985 without any information. It is stated that the casual worker who was absent for more than 12 months was relieved from work vide order Aa 31/C/L/Act/89-90 dated 24-3-90. It is stated that he was retrenched after giving one month notice.

4. On the basis of the pleadings of both the parties, the following issues are framed for adjudication.

i. Whether the action of the management of TDM, Betul in terminating the service of the workman w.e.f. 1-6-90 is justified?

ii. To what relief the workman is entitled?

#### 5. Issue No. I

According to the pleadings, the following facts appears to have been admitted.

- i. The workman Shri Narendra Gagare was engaged by the management at Betul in the year 1983 as casual labour on daily wages.
- ii. He was retrenched/terminated vide order No. Aa-161/Ke-MA/90-91 dated 1-6-90.
- iii. He was not paid any retrenchment compensation under the provision of Section 25-F of the Act.
- iv. He worked continuously from 1986 onward till retrenchment and in the year 1986 he worked 361 days, in 1987 -291 days, in 1988- 362 days and in 1989-363 days.

6. The workman has also adduced evidence in the case. The workman Shri Narendra Gagare has stated in his evidence that he worked for more than 240 days in a calendar year and this fact is also admitted by the management. He has also stated that he had not been paid any retrenchment compensation. Admittedly he was daily wager employee and he was not appointed and he was not appointed on regular post. This itself shows that the workman had no liability to be regular in the service but it is admitted fact that he worked more than 240 days in 12 calendar months since 1986. This shows that the retrenchment without payment of compensation is a violation under Section 25-F of the Act. His evidence and the admitted fact fully prove the case of the workman.

7. The management has also examined two witnesses. The management witness Shri C.R.Pandole is working as Divisional Engineer. He has also supported the fact that the workman was working as casual employee on daily wages since 1983. He has stated that the daily wager employee is only engaged in case of exigency and thereafter the service is automatically terminated. He has stated that he was absent from August 1984 to September 1985 and he was terminated w.e.f. 30-6-90 after giving notice on 1-6-90. This itself shows that after 1985, he was continuous in service of the management. However this witness has admitted in his cross-examination that the workman was in continuous service of the management from the year 1983 to 1989 and he had not been paid retrenchment compensation. Since he was in continuous service under the provision of Section 25B (1) of the Act, he should be only terminated after payment of compensation under the provision of Section 25-F of the Act. His evidence clearly shows that the termination is not justified.

8. Another management witness Arjun Kumar is Division Engineer at Betul of a Project. He has also supported that the workman was a daily wager employee and no appointment letter was given to him. His evidence appears to be similar to earlier witness. There is nothing in his evidence to show that the workman was terminated after complying the provision of Section 25-F of the Act. Thus it is evident that the workman was in continuous

service as provided in Section 25 B (1) of the Act and he was not paid any compensation in lieu of completed years' service under the provision of Section 25-F of the Act. I find and hold that the termination of the workman by the management is not justified. This issue is decided in favour of the workman and against the management.

#### 9. Issue No. II

There is no claim of back wages in the pleading of the workman. Moreover there is no pleading or evidence that after termination he was not in gainful employment. As such the management is directed to reinstate the workman within one month from the date of the notification of the award. Accordingly the reference is answered.

10. In the result, the award is passed with the order of cost of Rs. 10,000 (Rupees Ten Thousand only) to be paid to the workman by the management.

11. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer  
नई दिल्ली, 24 फरवरी, 2011

का.आ. 800.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं. 2 के पंचाट (संदर्भ संख्या 78/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-2-2011 को प्राप्त हुआ था।

[सं. एल-20012/605/2000-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 24th February, 2011

S.O. 800.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 78/2001) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 24-2-2011.

[No. L-20012/605/2000-IR (C-1)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) DHANBAD

#### PRESENT

SHRI KISHORI RAM, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act., 1947

Reference No. 78 of 2001

**Parties :** Employers in relation to the management of M/s. BCCL and their workman.

**APPEARANCES:**

On behalf of the workman : Mr. B. B. Pandey,  
Advocate.

On behalf of the employers : Mr. D. K. Verma,  
Advocate.

State : Jharkhand      Industry : Coal.

Dated, Dhanbad, the 2nd Feb., 2011

**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/605/2000-IR(C-I), dated, the 16th March, 2001.

**SCHEDULE**

"Whether the demand of the union from the management of Ram Kanali Colliery of M/s. BCCL for employment to Sri Sintu Kumar, son of Late Krishna Rai under para 9.4.2 of MCWA-IV is justified? If so, to what relief Sri Sintu Kumar, son of late Krishna Rai is entitled?"

2. The case of the applicant Shri Sintu Kumar as sponsored by the union concerned is that Krishna Rai who had been permanent employee working as Loading Inspector at Ramkanali Colliery, expired on 21-12-1998 during the services of his tenure. Applicant Sintu Kumar had been adopted by late workman Krishna Rai in the year 1986 as his son according to Hindu Rights and customs prevailing in the Hindu Family. The name of Sintu Kumar appeared as the son of the workman in all the relevant valuable documents of the management i.e. in his service Excerpt and L.L.T.C. and L.T.C. of the workman. Besides that all the educational certificates of the applicant bear the name of workman Krishna Rai as his father though some records or documents the petitioner's name appears as Sintu Kumar and Sintu Kumar Sharma who is the same and one person the petitioner himself. The applicant as genuine adopted son of the deceased workman applied for his employment in place of his deceased (donee father Krishna Rai). At the pressure of the management of M/s. BCCL for the requirement of a registered adoption deed in that connection a registered adoption deed was obtained with the effect the applicant's adoption was already held in the year 1986 as per Hindu Rights and Customs and now it has effected as a simple formality which is quite valid. Yet the management did not provide him any employment in place of his donee father despite his claim/entitlement for securing employment/monetary benefits under the provisions of law in consonance with clause 9.4.2 of NCWA-IV and V. Further pleaded on behalf of the applicant that he is legally adopted son of the deceased workman as

per the relevant provisions of Hindu Maintenance and Adoption Act, 1956.

3. Whereas specifically denying the facts of the applicant, the management has pleaded that the applicant Sintu Kumar is not the son of deceased worker Krishna Rai. On his application for his employment as his adopted son under the provision of National Coal Wage Agreement his documents etc. were scrutinised and it was observed that the adoption deed of the applicant was registered on 2-8-95 much latter after the death of the workman on 21-12-98, so it indicates that the workman concerned Krishna Rai did not validly and legally adopt him in the dispute. For this reason the applicant was not entitled to employment under the aforesaid provision of NCWA-IV. It is also pleaded on behalf of the management that mere mention of name in the records of the company or educational certificate does not confirm his adoption as legal and valid. According to the union both are the same persons, but the union is attempting to put a third person who is ineligible into employment through unnecessary litigation and back door means.

**Findings With Reasons**

4. In proof of the case WW-1 Janakdulari Devi, widow of late Krishna Rai and MW-1 Bhawesh Chandra Singh have been examined on behalf of the workman Sintu Kumar and the management respectively.

5. On the scrutiny of the documentary and oral evidences as adduced by both the sides, I find the facts admitted and indisputable as under :

- (i) Workman Krishna Rai was a permanent employee of the Ramkanali Colliery and during tenure of his service as loading Inspector, he expired on 21-12-98. His wife is Janakdulari.
- (ii) Applicant Sintu Kumar also known as Sintu Kumar Sharma as their adopted son after his maturity had applied for his employment as dependent son of the deceased workman.

6. In the instant case WW-1 Janakdulari Devi, the widow of late Krishna Rai who is 50 years old has stated in her deposition that her husband Krishna Rai died in harness, leaving her and one son named Sintu Kumar who is also known as Sintu Kumar Sharma as our adopted son, as they had adopted him as their son while he was only two years old from his father Ramniwas Sharma, who is her younger brother, as per Hindu Religious Rights and with their full consent and conscience. According to her after adoption, her husband had recorded the name of her aforesaid son in the official papers of the management such as the service excerpt of her husband (Ext. W-3). They had adopted Sintu Kumar as their son on the date of Vijaya Dashmi in the year 1986 while he was two years old and it was effected with the consent of his original parents. Since thereafter they brought him up and provided him all education who was fully dependent on the income of his

adopted father, namely her husband. The matriculation certificate (the original Admit Card of Bihar School Examination Board as Ext.W-4) of Sintu bears his father's name Krishna Rai. After the death of her husband she sponsored her aforesaid son Sintu before the management for his employment on compassionate ground, by submitting relevant papers and as per direction by the management, she had executed a registered deed (of adoption-Ext.W-1) declaring therein the aforesaid Sintu Kumar as their adopted son since his adoption long back in accordance with the Hindu Religious Rights and Customs and the aforesaid registered deed of adoption was executed in her favour by her younger brother Shri Ram Niwas Sharma, the original father of aforesaid adopted son, as his mother was dead. Accordingly this witness Janakdulari Devi produced party as Ext. W-2 which is dateless. Even in her cross-examination, she had admitted that they (husband & wife) had not executed a registered deed of adoption initially, as they had adopted Sintu Kumar by performing Hindu Religious Rights and ceremony on the date of Vijaya Dashmi in the year 1986 while he was two year old. She denied the suggestion that she was falsely claiming for the employment of Sintu Kumar as their adopted son.

7. On the other hand MW-1 Bhawesh Chandra Sinha, the office Superintendent of Ramkanali Colliery since 29-1-73 in his deposition has asserted the claim of the applicant (Sintu Kumar) for his employment as quite unjustified solely on the ground that the aforesaid deed of adoption (Ex.W-1) was executed on 6-8-99 (factually dated 2-8-99) after death of Krishna Rai, the workman. Though he has admitted crystal clearly that the service Excerpt of aforesaid Krishna Rai (Ext.W-3) the name of petitioner as Sintu Kumar Sharma in the column of legal their, so on two grounds the prayer of the petitioner for his employment on adoption deed was not considered, because the petitioner identified himself as Sintu Kumar Sharma and this witness appears to have reported this fact to the Area office beyond the knowlege of the petitioner.

8. Shri B.B. Pandey, the Ld. Advocate for the petitioner/Union has submitted the very service excerpt of the late workman Krishna Rai proves the status of the petitioner Sintu Kumar as his son though it bears his name such as Sintu Kumar Sharma, and as such the petitioner is entitled to employment in place of his deceased adoptee father Krishna Rai, the workman. On the other hand Shri D.K. Verma, the Ld. Advocate for the management relying upon the authority: 2009 Lab. I.C. 3011 (SC)(DB) state of Chhattisgarh-versus-Dhirjo Kumar Senger (A) as therein, that compassionate appointment is exception to the constitutional scheme of equally as adumbrated under Arts. 14 & 16, nobody can claim appointment by way of inheritance (para-15). The present contention for the Ld. counsel for the management in view of the aforesaid decision of the Hon'ble Apex Court to which I too

respectfully concede that none can claim for appointment by way of inheritance. But in the instant case there is no such claim by inheritance rather it is a claim of the petitioners for his employment under clause 9.4.2 of N.C.W.A.-IV-Chapter IX Social Security, under which the aforesaid clause deals with "Employment of one dependent of the worker who dies while in service" which is corresponding to its replica under clause 9.3.3 under similar chapter of N.C.W.A.V. The clause of the N.C.W.A. which is binding upon the management and its employees in connection with the aforesaid employment to one dependent of the workman concerned dying in harness specifically defines as such :

"(i) The dependent for this purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son"

This clause as I find covers the status of the petitioner as the adopted son of deceased worker Krishna Rai validity and legally which has been clearly established by Janak Dulari Devi, wife (widow) of the said workman with the cogent and consistent oral and documentary evidences as mentioned above. The admitted document namely the service Excerpt of the workman Krishna Rai (Ext.W-3) bears the name of his wife Janak Dulari Devi, who is WW-1 and the name of petitioner Sintu Kumar Sharma (5 years) as dependent of the workman. The admit card (Ext.W-4) of the petitioner Sintu Kumar proves his being as son of Krishna Rai, (the deceased). The registered deed of adoption dated 2-8-99 (it certified copy) dated 3-8-99 as Ext.W-1) intrinsically proves as evidence corroboratives to the oral valid adoption of the petitioner Sintu Kumar alias Sintu Kumar Sharma as the adopted son by the workman on the date of occassion of Durga Puja ("Vijaya Dashmi") in the year 1986. It was effected on 2-8-99 by Sri Ram Niwas Sharma, the original father of petitioner Sintu Kumar in favour of Janak Dulari Devi, the wife of late workman Krishna Rai as desired by the management for the employment of her adopted son (petitioner). But it was refused by the management flatly. There is no discrepancy in the name of the petitioner Sintu Kumar or Sintu Kumar Sharma as the adopted son of his adoptive father, Krishna Rai (deceased workman) and adoptive mother Janak Dulari Devi. On consideration of all preceding discussed facts and the laws involved, I find and hold that the demand of the Union from the management of Ramkanali Colliery of M/s. BCCI for employment to Sri Sintu Kumar (alias Sintu Kumar Sharma) son of late Krishna Rai under clause 9.4.2 of N.C.W.A.(IV) is legally justified, so the petitioner Sintu Kumar alias Sintu Kumar Sharma as the adopted son of late workman Krishna Rai is entitled to employment in place of his adoptee father Krishna Rai who died in harness. The management is directed to implement the Award within three months from the date of its publication in the Gazette of India.

नई दिल्ली, 24 फरवरी, 2011

**का.आ. 801.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-1 के पंचाट (संदर्भ संख्या 100/1990) को प्रकाशित करती है जो केन्द्रीय सरकार को 24-2-2011 को प्राप्त हुआ था।

[सं. एल-20012/265/1989-आई आर (सी-1)]

डी. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 24th February, 2011

**S.O. 801.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 100/1990) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad, as shown in the Annexure in the industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman which was received by the Central Government on 24-2-2011.

[No. L-20012/265/1989-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. I), DHANBAD

In the matter of a reference under section 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

#### Reference No. 100 of 1990

**Parties :**—Employers in relation to the management of 20/21 Pits Murulidih Colliery of Mohuda Area of M/s. BCCL

And

Their workman

**Present :**—Shri Hari Mangal Singh, Presiding Officer

#### APPEARANCES:

For the Management : None

For the Union : None

State : Jharkhand                      Industry : Coal

Dated, the 3rd February, 2011

#### AWARD

By Order No. L-20012/265/89-IR(C-I) dated 24-4-90 the Central Government in the Ministry of Labour has in exercise of power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

#### SCHEDULE

“Whether the management of M/s. BCCL in relation to Murulidih 20/21 Pits Colliery is justified in denying regularization of the workman Sri Ram Prit Kumbhar in the post of SDL Operator ? If not, to what relief the workman is entitled ?”

2. The reference was received in this Tribunal on 2-5-90. Both parties filed their respective written statements, thereafter the case was fixed for evidence of the parties, but evidence was not produced by the parties. The case was again fixed on 11-8-2010 for adducing evidence by the management for which registered notice was sent to the parties. But even on 11-8-2010, 27-8-2010, 4-10-10 and 24-11-2010 none of the parties appeared to take any step in this regard. It therefore appears that neither party is interested to contest the case.

3. In such circumstances I render a “No Dispute” Award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 24 फरवरी, 2011

**का.आ. 802.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद नं.-1 के पंचाट (संदर्भ संख्या 255/1990) को प्रकाशित करती है जो केन्द्रीय सरकार को 24-2-2011 को प्राप्त हुआ था।

[सं. एल-20012/127/1990-आई आर (सी-1)]

डी. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 24th February, 2011

**S.O. 802.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 255/1990) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad, as shown in the Annexure in the industrial Dispute between the employers in relation to the management of M/s. BCCL, and their workman which was received by the Central Government on 24-2-2011.

[No. L-20012/127/1990-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. I), DHANBAD

In the matter of a reference under section 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

**Reference No. 255 of 1990**

**Parties :**—Employers in relation to the management of  
B.C.C.Ltd. Area No. II  
And

Their workman

**Present :**—Shri H. M. Singh, Presiding Officer

**APPEARANCES:**

For the Employers : None  
For the Workman : None

State : Jharkhand Industry : Coal

Dated, the 15th February, 2011.

**AWARD**

By Order No. L-20012/127/90 IR(C-I) dated 19-10-90 the Central Government in the Ministry of Labour has, in exercise of power conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

**SCHEDULE**

“Whether the management of B.C.C. Ltd., in relation to Mohuda Area No. II is justified in not treating Shri Chakradhar Mahato, Jr. Chemist and paying him wages of Tech. Grade ‘D’ w.e.f. 13-5-85 as per JBCCI, I. No. 50 dated 26-8-85 and in not promoting to the next higher post of Assistant Chemist in Tech. Grade ‘C’ and denying corresponding benefits arising out of fitment and fixation in the pay scales as per NCWA-III and IV ? If not, to what relief the said employee is entitled to ?”

2. This reference case was received in this Tribunal on 17-10-90. Accordingly, the concerned workman as well as the management filed their respective written statements, rejoinders and documents. Thereafter the case was fixed for adducing evidence by the workman. Inspite of granting several adjournments no evidence was produced by the concerned workman upto 24-4-97 and after that stopped appearing before this Tribunal for taking further step. Again the case was fixed on 27-8-2010 for adducing evidence by the management by sending registered notices to both the parties. Even then none of the parties appeared on 27-8-10, 28-9-2010 and 24-11-2010. Since none appeared from either side it seems that they are not interested to contest the case. This case is of the year 1990 so it is not necessary to keep this case pending further.

Under such circumstances, I render a ‘No Dispute’ Award in the present industrial dispute.

H. M. SINGH, Presiding Officer

नई दिल्ली, 24 फरवरी, 2011

**का.आ. 803.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट

बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 146/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 23-2-2011 को प्राप्त हुआ था।

[सं. एल-12012/352/2002-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 24th February, 2011

**S.O. 803.—**In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 146/2003) of the Central Government Industrial Tribunal-cum-Labour Court-Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, received by the Central Government on 23-2-2011.

[No. L-12012/352/2002-IR (B-1)]

RAMESH SINGH, Desk Officer

**ANNEXURE****BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,  
CGIT-CUM-LABOUR COURT, NAGPUR**

**Case No. CGIT/NGP/146/2003**

Date : 21-2-2011

**Party No. 1 :** The Branch Manager,  
State Bank of India (Main Branch),  
Opp. to Janta Bazar, Near Khandelwar  
Tower,  
Akola.

**Versus**

**Party No. 2 :** Shri Bharat Gangaram Ingole,  
R/o Mangaldham, Mangrulpur, Tehsil-  
Mangrulpur, Dist. Washim (M.S.)

**AWARD**

(Dated : 21st February, 2011)

This is a reference made by the Central Government in respect of the industrial dispute between the employers, in relation to the management of State Bank of India, Akola and their workman, Shri Bharat Gangaram Ingole, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) (“the Act” in short), for adjudication, as per letter No. L-12012/352/2002-IR(B-1) dated 30-5-2003, with the following schedule :—

“Whether the action of the Sr. Branch Manager, SBI, Akola in terminating the services of Shri Bharat S/o Gangaram Ingole R/o Mangaldham, Mangrulpur, Dist. Washim as Sweeper w.e.f. 18-6-2000 is proper and justified ? If not, what relief the said workman is entitled to ?”

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Bharat ("the workman" in short) filed his statement of claim, whereas, the management of State Bank of India ("Party No. 1" in short) filed their written statement.

3. The workman in the statement of claim pleaded inter-alia that he was appointed as a Sweeper on 26-9-96 in the Main Branch, Akola by an oral order and from the date of his engagement in service, he worked regularly and continuously and he was even not allowed to avail the weekly off day and his service record was clean and unblemished and he was being paid Rs. 25 as daily wages initially but subsequently he was being paid Rs. 50 per day as daily wages and the mode of payment of his wages was weekly basis and on 18-6-2000, his service was orally terminated by the Party No. 1 without issuance of any notice or payment of one month wages in lieu of such notice and no compensation much less retrenchment compensation was paid to him, even though he had completed 240 days of work in every year preceding to the date of termination and the Party No. 1 engaged another person in his place which clearly establishes the Party No. 1 was and is in need of the services rendered by him and before his termination, no show-cause notice or charge sheet was issued against him and no departmental enquiry was also conducted against him and therefore, it is clear that the termination of his service was not by way of punishment and the termination of his service is totally malafide, illegal and unlawful without following mandatory provisions of law and established principles of natural justice and as such, the order of termination of his service is required to be quashed and set aside and all the records in regard to his service including attendance record, vouchers of the wages paid to him are in possession of the Party No. 1 and after the termination of his service, he approached personally to Party No. 1 and higher authorities and though everybody assured him to give work, nobody fulfilled the promise and lastly on 15-9-2000, he sent notice, through his advocate to the Party No. 1 and Chairman-cum-Managing Director of the Bank and though they received the notices, they did not give any reply. The workman has prayed for his reinstatement in service with full back wages and continuity in service.

4. Denying the allegations, the Party No. 1 in its written statement pleaded inter-alia that the workman has misquoted the facts and law in his statement of claim and the workman was disengaged on 5-6-2000 and he did not challenge the action of the bank for more than two years and after an inordinate delay of more than two years, he filed an application u/s 2A of the Act before the ALC on 4-9-2002 and on that count only, the workman is not entitled for any relief and the workman was engaged purely for doing miscellaneous and sundry work intermittently, due to the administrative exigencies. However, the Party No. 1

in paragraph 1.4 of the written statement has admitted that the workman worked for more than 240 days in the proceeding twelve calendar months from the date of disengagement of his services w.e.f. 5-6-2000. However, it is also pleaded that the services of the workman were availed by the branch on weekly payment basis for doing miscellaneous and other sundry kind of work and the workman was engaged by the branch having no authority to engage any person and as such, the engagement of the workman was irregular and illegal and impermissible under the rules of the bank and such illegality cannot be perpetuated for indefinite period and as such, the purpose for which, the workman was engaged was completed, disengagement of his service was inevitable and as the workman was not a permanent employee, no show cause notice or charge sheet was required to be given to him before disengaging him and the disengagement of the workman is not malafide, illegal or unlawful as alleged and the act of the Bank was squarely within the four corners of the law and as the engagement of the workman was due to the administrative exigencies purely for doing misc. and sundry work intermittently, no appointment letter was given to him and no attendance record was also maintained and he was paid on the basis of request application submitted by him and as such, the workman is not entitled to any relief.

5. In this case, parties were allowed to lead evidence. In support of his claim, the workman examined himself as a witness and filed his evidence on affidavit. He has reiterated the facts mentioned in the statement of claim in his affidavit. In his cross-examination, he has admitted that no written order was given to him at the time of his engagement and he did not receive any letter from Employment Exchange for working in the bank and there was no medical examination or Police verification before his appointment and there was no advertisement in news paper and he was appointed by the Branch Manager and he does not know as to whether the Branch Manager can appoint any workman and he was not signing the muster roll. However, it is necessary to mention here that, the assertion of the workman that he worked for 240 days in every year preceding the date of his termination has not at all been challenged to his cross-examination.

One Shri Vishvas, Manager (P & HRD) of State Bank of India has been examined as a witness on behalf of the Party No. 1. The said witness has stated that the workman had worked for more than 240 days in preceding 12 calendar months from the date of his disengagement (wrongly mentioned as "engagement" in the affidavit) of the services w.e.f. 5-6-2000. This witness has further stated that the engagement of the workman was purely on temporary basis and without following the prescribed Rules and procedures for appointment of the bank and his appointment was illegal and as such, he is not entitled for any relief.

6. It is clear from the materials on record and the admission of the Party No.1 in the written statement and the admission of the witness of the Party No.1 in his evidence filed on affidavit that the workman worked for more than 240 days continuously preceding the 12 months from the date of his termination from service.

7. At the time of argument, it was contended by the learned advocate for the workman that as it is the admitted case that the workman had worked for more than 240 days preceding the 12 calendar months from the date of his termination, his termination can be held to be retrenchment from service and as such, the mandatory procedures for retrenchment were required to be followed and as the conditions precedent to such retrenchment as required u/s 25-F of the Act were not complied with, the termination of the service of the workman is illegal and as such, he is entitled for the award of reinstatement with full back wages and continuity of service. In support of such contentions, the learned advocate for the workman placed reliance on the decisions reported in 2000-I-LLJ-1076(SC) (State of UP; and another Vs. Rajendra Singh Batola & another, 2001-III-LLJ (supra) 47 (Bombay) (K.R. Bhosale Vs. Western Maharashtra D.C. Ltd.), 2005-IV-LLJ (suppl)-673 (Bombay) (L. G. Dhoke Vs. Industrial Court Maharashtra), 2088-111-Mh.L.J.-743 (Bombay) (Taranjeet Singh Vs. MSRTC), 1999-II-LLJ-14 (P & H High Court) (Administrator M. C. Amloh Vs. P.O. Labour Court), 1999-II-LLJ-158 (Gujarat H.C.) (R. Prabhahati Vs. Ex. Engineer), 2000-I-LLJ-1073 (J&K High Court) (Ex. Engineer Flood Control Division Vs. P.O. Industrial Tribunal), 2000-I-LLJ-66 (P&H High Court) (State of Haryana Vs. P.O. Labour Court), 2000 - LLJ-I-614 (Delhi High Court) (Management of Horticulture Department of Delhi Vs. Trilokchand), 2001-LLJ-I, 1516 (Madras High Court) Management of 0.322 Kovilpatti Co-op Vs. P.O. Labour Court, 2001-LIC-662 (Gujarat High Court) (Dy. Ex. Engineer Vs. S. Gandabhai), 2002-II-LLJ-1000 (Prathama Bank Vs. P.O., CGIT) and 2002-III-LLJ-984 (Kerala High Court) ( Indian Oversea Bank Vs. I.T. Alapuzha & another).

8. On the other hand, it was submitted by the learned advocate for the Party No.1 that as the appointment of the workman was on daily wages basis and his appointment was not in accordance with the procedure and Rules of appointment of the Bank and he was appointed by persons not authorized to make such appointment, the appointment was illegal and as such, he is not entitled to any relief. In support of such contention, the learned advocate for the Party No. 1 placed reliance on the decisions reported in Secretary, State of Karnataka Vs. Umadevi, reported in (AIR 2006 SC-1806) and the workman of Bhurkunda Colliery of M/s Central Coalfield Ltd. Vs. the management (2006 AIR SCW-452). It was further submitted that even if, for the sake of argument, it is admitted that the workman is entitled to any relief, then at the most, he is entitled to the amount of retrenchment compensation and the wages for

a period of one month, in lieu of notice as provided u/s 25 of the Act and such submission is without prejudice to the submission of the Bank and legal position that the workman is not entitled to any relief. In support of such contention, reliance is placed on the decision reported in Madhya Pradesh Administration Vs. Tribhuban (2007) 9 SCC 748, Municipal Council Sujanpur Vs. Surinder Kumar (2006) 5 SCC-173.

9. In this case, the workman has raised the industrial dispute relating to his retrenchment alleging violation of procedure prescribed in section 25-F of the Act. It is already mentioned that the Party No.1 had admitted that the workman worked for more than 240 days in the preceding 12 months of the date of termination of service. Applying the principles laid down by the Hon'ble Apex Court and other Hon'ble Courts in the decisions on which reliance has been placed, it is found that as in the present case in hand, the mandatory procedure for retrenchment was not followed, the order of retrenchment is illegal and therefore, cannot be upheld.

10. Now, the question remains for consideration is with regard to the reliefs to be granted to the workman. It is found from the decisions cited by the learned advocate for the workman that if the termination of an employee is found to be illegal, the relief of reinstatement with full back wages would ordinarily be followed. However, in the decision (2006) 5 SCC 173 (supra), it has been held by the Hon'ble Apex Court that only because relief by way of reinstatement with full back wages would be lawful, it would not mean that the same would be granted automatically.

At this juncture, in the interest of natural justice, I think it pertinent to mention about the recent decision of the Hon'ble Apex Court in the case of Incharge Officer and another Vs. Shankar Shetty, 2010(8) SCALE-583, though such a decision has not been cited by either of the parties. The Hon'ble Apex Court have held that :

"It is true that the earlier view of this Court articulated in many decisions reflected the legal position that if the termination of an employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even, though the termination of an employee is in contravention of the prescribed procedure, compensation instead of reinstatement has been held to meet the ends of justice.

It would be, thus, seen that by a catena of decisions in recent time, this court has clearly laid downs that an

order of retrenchment passed in violation of Section 25-F although may be set aside but an award of reinstatement should not, however, be automatically passed. The award of reinstatement with full back wages in a case where the workman has completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and instead, compensation has been awarded. This Court has distinguished between a daily wager who does not hold a post and a permanent employee".

Applying the principles of the Hon'ble Apex Court as reported in (2006) 5 SCC-173 (supra) and 2010(8) SSCALE-583 (supra) to the present case at hand, it appears that relief of reinstatement cannot be justified and instead monetary compensation would meet the ends of justice. In my considered opinion, the compensation of Rs. 25,000 (Rupees twenty five thousand only) in lieu of reinstatement shall be appropriate, just and equitable. Hence, it is ordered :

#### ORDER

The action of the Sr. Branch Manager, SBI, Akola in terminating the services of Shri Bharat S/o Gangaram Ingole w.e.f. 18-6-2000 is not justified. However, the workman is not entitled to reinstatement service. The workman, Shri Bharat is entitled for a compensation of Rs. 25,000 (Rupees twenty five thousand only). The Party No. I is directed to pay the said amount within a month, from the date of publication of the award in the Government Gazette, failing which, the amount will carry interest at the rate of 9% per annum.

J. P. CHAND, Presiding Officer

नई दिल्ली, 24 फरवरी, 2011

**का.आ. 804.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार माइनिंग एंड लॉइंड मरीनरो कारपोरेशन लिमिटेड के प्रबंधतंत्र के संबंध नियोजकों द्वारा उके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में अद्वितीय समझौता के द्वारा अधिकरण/श्रम न्यायालय, धनबाद नं.-1, द. 12 (संदर्भ संख्या 45/1990) को प्रकाशित करती है जो केन्द्रीय विवाद को 23-2-2011 को प्राप्त हुआ था।**

[सं. एत-20012/113/1989-आई आर (सी-1)]

डॉ. एस. एम. श्रीनिवास राव, डेस्क अधिकारी

नई दिल्ली, the 24th February, 2011

**S.O. 804.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No 45/1990) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mining & Allied Machinery**

Corporation Ltd., and their workmen, which was received by the Central Government on 24-02-2011.

[No. L-20012/113/1989-IR (C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of I.D. Act.

Reference No. 45 of 1990

Parties : Employers in relation to the management of Mining & Allied Machinery Corporation Ltd.,

AND

Thier workmen.

Present : Shri H. M. SINGH, Presiding officer.

#### APPEARANCES:

For the Employers : None.

For the Workmen : None.

State : West Bengal. Industry : Coal.

(Dated : 2nd February, 2011)

#### AWARD

By Order No. L-20012(113)/89-IR(Coal-I) dated 22-2-90 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the management of M/s. Mining & Allied Machinery Corporation Ltd., in respect of its establishment at Madhuban Coal Washery Project, P.O. Nawagarh, Dist. Dhanbad (Bihar) is justified in not regularising and absorbing the workman Shri Subhal Lohar, daily rated casual labour in the permanent rolls with the benefits of monthly pay scale & other attendant benefits ? If not, to what relief the said workman is entitled to ?"

2. This reference case was received in this Tribunal on 26-2-1990 Both the parties filed their respective written statements. Thereafter the case was fixed for adducing evidence by the management. After several adjournments being given no evidence was adduced by the management till 4-8-1997. Thereafter again the case was fixed for adducing evidence by the management on 28-7-10 by sending registered notice to the parties. Inspite of that neither party appeared before this Tribunal on 28-7-10, 13-8-10 and on 21-9-10 also. A last chance was also given to the

management to adduce evidence on 21-9-10, but neither party appeared to take any step. It, therefore, appears that neither party is interested to contest the case, probably them have settled the case mutually because earlier a petition was filed on behalf of the concerned workman for settlement of the case.

3. In such circumstances, I render a 'No Dispute' Award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 24 फरवरी, 2011

**का.आ. 805.—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, धनबाद नं.-2 के पंचाट (संदर्भ संख्या 65/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 24-02-2011 को प्राप्त हुआ था।**

[सं. एल-20012/258/2002-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 24th February, 2011

**S.O. 805.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 65/2003) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 24-02-2011.**

[No. L-20012/258/2002-IR(C-I)]

D. S. S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

#### PRESENT

SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)  
(d) of the I.D. Act, 1947.

Reference No. 65 of 2003

**PARTIES :** Employers in relation to the management of Kusunda Area of M/s. BCCL and their workmen.

#### APPEARANCES:

On behalf of the workman : Mr. Kameshwar Prasad, Advocate.

On behalf of the employers : Mr. U. N. Lal,  
Advocate.

State : Jharkhand Industry Coal.

Dated, Dhanbad, the 4th February, 2011

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/258/2002-IR (C-I), dated the 26-7-2003.

#### SCHEDULE

"Whether the action of the Management of Gondudih Colliery of M/s. BCCL in not providing employment to Sri Vikas Kumar Bouri, the defendant Son of late Nimai Bouri is fair and justified ? If not, to what relief is the said defendant of late Nimai Bouri entitled ?"

2. This case of the applicant Vikash Kumar Bouri as sponsored by the union is that his father Nimai Bauri, Fitter helper was a permanent employee of Gondudih Colliery under Kusunda Area of M/s. BCCL. In course of his employment, aforesaid workman expired on 13-4-95. The applicant is the son of the workman and was totally dependant upon him. There was an agreement dated 14-4-95 (Ext. W-1) with the management that the employment would be given to the petitioner. When the petitioner applied for his employment after completing all formalities, the management vide letter No. 544 dated 15-2-2000 (Ext. W-2) rejected his claim of employment arbitrarily, whimsically and without any reason. On raising the industrial dispute by the petitioner/Union before the ALC(C), Dhanbad it ended in failure. Hence the present reference. The petitioner is alleged to be entitled to the employment under clause 9-3-2 of NCWA-VI as a dependant of the deceased workman.

3. Further pleaded on behalf of the applicant is that at the relevant time of the death of the workman the provision of NCWA-IV but not NCWA-V was in force, moreover as per I.D. Act, 1947, there is provision for settlement of dispute between the management of the Union, the settlement dated 14-4-95 (Ext. W-1) is valid because it is not contrary to the NCWA or any other law ; that in each of the NCWA-IV, V and VI as the provision for employment in death case while in service. It is also alleged that the management of Kusunda Area has provided employment to one Shri Kishor Manjhi son of late Shyamal Manjhi at the same Gondudih Colliery when the age of Kishore Manjhi was lesser than 18 years on the death of late Shyamal Manjhi.

4. On the other hand the case of the management with specific denials is that in fact late Nimai Bauri, the

employee of the said colliery working as a Fitter/Helper died on 13-4-1995. After four years of the workman's demise, a claim for employment in favour of the petitioner as son of the workman was received in the year 1999. On examination of the claim application it was found that the claimant was minor 13 years old during the relevant time, therefore, a regret letter dated 1-11-99 (Ext. M-1) was communicated to the General Manager concerned with a copy to the Project Officer concerned for information. As per N.C.W.A provision, the employment to a dependant is to provide the continuity of source of livelihood for the dependants of the deceased employee concerned when the claimant is eligible for employment as per policy of the Company. On the consideration of it for final decision, the competent authority regretted the claim of the applicant vide letter No. BCCL/PA/VI/3(13)/AR/VI/47/99/15611 dated 2/8-8-2002. It is also pleaded on behalf of the management that the industrial dispute was raised on 16-6-2001 after more than 6 years of the death of the concerned employee on 13-4-95 but as per NCWA-V Clause 9-3-2 read with clause 9-5-0 (iii), the case of those who are 15 years and above in age on the death date of the worker is considered for keeping his/ their names in the Live Roster to provide him/ them employment on maturity of 18 years. As such the claim for the employment of the petitioner as dependant was rightly regretted and the action of the management to that effect was pleaded as just, fair and proper, as the applicant did not fulfill requisite.

#### FINDING WITH REASONS

5. In this case Vikash Kumar Bauri, the dependant/petitioner himself examined as WW-1, and similarly Rajiv Kumar Mishra as MW-1 for the management have been examined.

On the perusal of the evidences oral and documentary adduced on behalf of both the parties, I find that the following facts are indisputable :

- (i) Late Nimai Bauri, was an employee as the Fitter helper of Gondudih Colliery. he died on 13-4-1995 in harness.
  - (ii) Petitioner Bikash Kumar Bauri as the dependant son of the aforesaid deceased employee had applied to the management for his employment on his compassionate ground. he was minor at the time of his deceased father.
  - (iii) At the point of accidental death of the workman being run over/knocked down by a vehicle in the workshop, his wife, namely, the mother of the petitioner was also an employee of the management as a cleaner at the area office concerned.
6. Petitioner Vikash Kumar Bauri as WW-1 has stated that on sponsoring his case by the union before the

management after the death of his father, there was a settlement between the union and the management as per Ext. W-1 that the management would provide him employment after attaining his majority. On attaining his majority in the year 1999, he submitted his application to the management for his employment on the compassionate ground, relying upon the said agreement but the management by its letter dated 15-2-2000 (Ext. W-2) regretted his application ; hence the industrial dispute was raised. The petitioner was admitted in his cross-examination that he was 13 years old at the time of this father's demise in the year 1995.

Whereas MW-1 Rajiv Kumar Mishra on behalf of the management has proved the regret letter dated 1-11-1999 of the management as Ext. M-1 and as per letter dated 2-8-2002 of the management (Ext. M-2), the petitioner being minor i.e. 13 years old at the time of his father's death wanted to get employment after lapse of 7 years. The aforesaid latter letter of the management refers to the fact that the union never raised this issue at bipartite level. According to this witness (MW-1), the management submitted the report also vide Ext. M-3 that in the instant case the issue was raised after the lapse of 7 years, as such claim is made just after the death of the bread earner of his family as stated therein, and as such the claim of the petitioner is not justified. This management witness has expressed his ignorance of any assurance made by the management to consider his employment on attaining his majority of 18 years of age.

7. In the instant case, the petitioner mainly puts his claim on the basis of alleged agreement dated 14-4-95 (Ext. W-1) to have been entered with the management just one day after the death of his father on 13-4-95. It is alleged to be bipartite agreement under the signature of Rameshwar Singh, the Vice President of the Union, and the Project Officer concerned. It confirms already working Smt. Latika Baurin, the wife of the deceased workman in Kusunda Area, so she could not be provided any employment in his place. Further it stipulates that for the reason, his son Bikash Kumar Bauri in his place would be employed according to the Company's rule "Adolescent Act" and NCWA-III clause 9-4-2 on the surface in time rated category at the earliest. I find the alleged agreement as stipulated above directly goes in contrary to the clause 9-5-0 of NCWA-V which was in force w.e.f. 1-7-1991 which is applicable to this case. According to aforesaid clause 9-5-0 sub-clause (iii) of the NCWA-V clearly lays down the pre-requisite namely the male dependant of the concerned worker is 15 years and above in age, then he will be kept on live roster, and would be provided employment, commensurate with the scheme and qualification when he attains the age of 18 years. But in the present case, the petitioner was not 15 years and above in age at the time of accidental death of his deceased father. The aforesaid alleged agreement being contrary to the aforesaid N.C.W.A-V clause 9-5-0 was

*ab initio void in the eye of law.* Therefore, the claim of the petitioner on that score fails being devoid of merit.

8. Under the aforesaid facts and circumstances I find and hold that the section of the management of Gondudih Colliery of M/s. BCCL in not providing employment to Shri Bikash Kumar Bauri, the dependent son of late Nimai Bauri is quite fair and justified, in the eye of law. hence the petitioner does not deserve any relief of entitlement to it.

KISHORI RAM, Presiding Officer

नई दिल्ली, 24 फरवरी, 2011

**का.आ. 806.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-नं.-1 के पंचाट (संदर्भ संख्या 48/1990) को प्रकाशित करती है जो केन्द्रीय सरकार को 24-02-2011 को प्राप्त हुआ था।**

[सं. एल-20012/197/1989-आई आर (सी-1)]

डी. एस. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 24th February, 2011

**S.O. 806.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 48/1990) of the Central Government Industrial Tribunal-cum-Labour Court-1, Dhanbad as shown in the Annexure in the industrial Dispute between the employers in relation to the management of M/s. C.C. Ltd., and their workman which was received by the Central Government on 24-02-2011.**

[No. L-20012/197/1989-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) DHANBAD

In the matter of a reference u/s. 10(1) (d) (2A) of I.D. Act

#### Reference No. 48 of 1990

**Parties :** Employers in relation to the management of Lapanga Colliery of M/s. C.C. Ltd.,

And  
Their workmen

**Parties :** Sh. S. N. Singh, Presiding Officer

#### APPEARANCES:

For the Employers : None.

For the Workman : None.

State : Jharkhand Industry : Coal.

Dated, the 14th February, 2011

#### AWARD

By Order No. L-20012/197/89-IR (Coal-I) dated 26-2-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Sec. 10 of the I.D. Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Lapanga Colliery of C.C. Ltd., P.C. Bhadaninagar, Distt. Hazaribagh by not making payment of House Rent allowance to S/Shri Kaleshwar Pd. Mahto and 43 others from the dates of occupancy of quarters by the workmen concerned and onwards is justified ? If not, to what relief the workmen concerned are entitled ?”

2. This reference case was received in this Tribunal on 1-3-90. Both the parties filed their respective written statements, rejoinders and documents. Thereafter the case was fixed for adducing evidence by the management. The management examined one witness as MW-1 and thereafter closed its evidence. After that the date was fixed for adducing evidence by the sponsoring union, but upto 9-2-2001 no evidence was produced by the sponsoring union inspite of giving several adjournments. Thereafter again the case was fixed on 28-10-10 for adducing evidence by the workman for which registered notice was sent to both the parties. But none of the parties appeared before this Tribunal on 28-7-10, 13-8-10 and on 22-10-10 to take any further step in the case. It clearly shows that neither the concerned workmen nor the sponsoring union are interested to contest the case. This case is of the year 1990, so, it is needless to keep this case pending so long.

In such circumstances, I render a ‘No Disputes’ Award in the present reference case.

H. M. SINGH, Presiding Officer

आदेश

नई दिल्ली, 4 मार्च, 2011

**का.आ. 807.—जबकि दिल्ली उच्च न्यायालय ने रिट याचिका संख्या 2594/2002, 6170/2001, 6205/2001, 4530/2002, 3186/2002, 4267/2001, 4603/2002, 4602/2002, 1699/2001 तथा 1707/2001 में याचिकाओं का निपटान करते हुए, सर्वोच्च न्यायालय द्वारा रिट याचिका संख्या 422/2000 में निर्धारित कानून के अनुसार न्यायनिर्णय हेतु याचिकाकर्ताओं को राष्ट्रीय औद्योगिक अधिकरण में जाने की छूट दी थी ;**

और जबकि केन्द्रीय सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्रम संत्रालय के दिनांक 19-4-2004 के आदेश संख्या

एल-22012/325/2003-आईआर(सी.-II) द्वारा राष्ट्रीय औद्योगिक अधिकरण की स्थापना को जिसका मुख्यालय, मुम्बई रखा गया तथा न्यायमूर्ति श्री एस.सी. पाण्डे को इसका पीठासीन अधिकारी नियुक्त किया और उक्त अधिनियम की धारा 10 की उपधारा (1क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को उक्त राष्ट्रीय औद्योगिक अधिकरण के पास न्यायनिर्णय हेतु भेजा था।

और जबकि न्यायमूर्ति श्री एस.सी. पाण्डे ने उक्त राष्ट्रीय औद्योगिक अधिकरण का प्रभार 8-9-2004 को त्याग दिया था।

और जबकि केन्द्रीय सरकार ने दिनांक 10-11-2005 के आदेश द्वारा राष्ट्रीय अधिकरण का पुनर्गठन किया तथा न्यायमूर्ति श्री घनश्याम दास को इसका पीठासीन अधिकारी नियुक्त किया था।

और जबकि न्यायमूर्ति श्री घनश्याम दास ने उक्त राष्ट्रीय औद्योगिक अधिकरण का प्रभार 6-2-2006 को त्याग दिया था।

और जबकि केन्द्रीय सरकार ने दिनांक 6-2-2008 के आदेश द्वारा राष्ट्रीय अधिकरण का पुनर्गठन किया तथा न्यायमूर्ति श्री एम.जी. गायकवाड़ को इसका पीठासीन अधिकारी नियुक्त किया था।

और जबकि न्यायमूर्ति श्री एम.जी. गायकवाड़ ने उक्त राष्ट्रीय औद्योगिक अधिकरण के पीठासीन अधिकारी के पद से 6-2-2008 को त्याग पत्र दे दिया था।

इसलिए अब, राष्ट्रीय औद्योगिक अधिकरण स्थापित किया जाता है जिसका मुख्यालय मुम्बई में होगा तथा इसके पीठासीन अधिकारी न्यायमूर्ति, श्री गौरी शंकर सराफ़ होंगे जो वर्तमान में केन्द्र सरकार औद्योगिक अधिकरण सं. I, मुम्बई के पीठासीन अधिकारी हैं तथा उपर्युक्त विवाद न्यायनिर्णय हेतु उपर्युक्त राष्ट्रीय औद्योगिक अधिकरण को इस निर्देश के साथ भेजा जाता है कि न्यायमूर्ति श्री गौरी शंकर सराफ़ इस मामले में उस चरण से आगे कार्यवाही करेंगे जहाँ यह न्यायमूर्ति श्री एम.जी. गायकवाड़ द्वारा छोड़ी गयी थी तथा मामले को तदनुसार निपटाएंगे।

### अनुसूची

“क्या (i) बहेड़ी, (ii) खटीमा, (iii) भादू (iv) इटावा, (v) मैनपुरी, (vi) भरुच, (vii) अलोपीबाग, (viii) कोलासिब, (ix) अलवर, (x) फगवाड़ा (xi) कुमार घाट, (xii) विलियम्स नगर, (xiii) जीन्द, (xiv) हिसार, (xv) उझहानी, (xvi) सरहिन्द, (xvii) कटरी, (xviii) वारासिवनी, (xix) बालाघाट, (xx) पलवल, (xxi) मालुकपांग, (xxii) असंध, (xviii) कुल्लू, (xxiv) कोठेरा हमीरपुर, (xxv) बलसाड़ के एक सी आई डिपो में कार्यरत ठेका श्रमिक एक सी आई डिपो के विभागीकृत श्रमिकों के बराबर वेतन तथा उन्हें उपलब्ध अन्य लाभों के पात्र हैं? यदि हाँ, तो वे किन-किन लाभों के पात्र हैं?”

[ सं. एल-22012/325/2003-आईआर (सी-II) ]

डॉ.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

### ORDER

New Delhi, the 4th March, 2011

**S.O. 807.**—Whereas the Hon'ble High Court of Delhi in W.P Nos. 2594/2002, 6170/2001, 6205/2001, 4530/2002, 3186/2002, 4267/2001, 4603/2002, 4602/2002, 1699/2001 and 1707/2001 disposed off the petitions granting liberty to the petitioners to approach national industrial tribunal for adjudication in terms of law laid down by the Supreme Court in the W.P. No. 422/2000;

And whereas the Central Government in exercise of the powers conferred by Section 7B of the I.D. Act, 1947 (14 of 1947) constituted a National Industrial Tribunal vide Ministry of Labour Order No. L-22012/325/2003-IR(C-II) dated 19-4-2004 with headquarters at Mumbai and appointed Justice Shri S. C. Pandey as its Presiding Officer and in exercise of the powers conferred by sub-section (1A) of Section 10 of the said Act, referred the said Industrial Dispute to the said National Industrial Tribunal for adjudication.

And whereas Justice Shri S.C. Pandey relinquished charge of the above National Industrial Tribunal on 8-9-2004.

And whereas Central Government vide order dated 10-11-2005 reconstituted the National Tribunal and appointed Justice Shri Ghanshyam Dass as its Presiding Officer.

And whereas Justice Shri Ghanshyam Dass relinquished the charge of the said National Industrial Tribunal on 6-2-2006.

And whereas Central Government vide order dated 6-2-2008 reconstituted the National Tribunal and appointed Justice Shri M.G. Gaikwad as its Presiding Officer.

And whereas Justice Shri M.G. Gaikwad resigned from the post of Presiding Officer of the said National Industrial Tribunal on 6-2-2008.

Now, therefore, a National Industrial Tribunal is constituted with Headquarters at Mumbai with Justice Shri Gauri Shanker Sarraf, presently Presiding Officer of CGIT No. 1, Mumbai as its Presiding Officer and the above said dispute is referred to the above said National Industrial Tribunal for adjudication with a direction that Justice Shri Gauri Shanker Sarraf shall proceed in the matter from the stage at which it was left by Justice Shri M.G. Gaikwad and dispose of the same accordingly.

### SCHEDULE

“Whether the contract workers in the depots of FCI at (i) Behari, (ii) Khatima, (iii) Bhatu, (iv) Itawah, (v) Mainpuri, (vi) Bharuch, (vii) Alopibag, (viii) Kolasib, (ix) Alwar, (x) Phagwara, (xi) Kumar Ghat, (xii) Williams Nagar, (xiii) Jind, (xiv) Hissar, (xv) Ujhhani, (xvi) Sarhind, (xvii) Katangi, (xviii)

Varasivani, (xix) Balaghat, (xx) Palwal, (xxi) Malukpong, (xxii) Asandh, (xxiii) Koolu, (xxiv) Kothera Hamirpur, (xxv) Balsad are entitled for the same pay and other benefits as are available to the departmentalized labour in the depots of FCI? If so, to what benefits they are entitled?"

[No. L-22012/325/2003-IR(C-II)]

D.S.S. SRINIVASA RAO, Desk Officer

नई दिल्ली, 9 मार्च, 2011

**का.आ.** 808.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि हिन्दुस्तान एरोनाइक्स लिमिटेड में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविस्ति 8 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/1/2003-आई आर (पीएल)]

रवि माथुर, अपर सचिव

New Delhi, the 9th March, 2011

**S.O. 808.**—Whereas the Central Government is satisfied that the public interest so requires that the service in the **Hindustan Aeronautics Limited as Public Utility Service** which is covered by item 8 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a Public Utility Service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares **with immediate effect the said industry to be a Public Utility Service for the purpose of the said Act for a period of six months.**

Public Utility Service for the purpose of the said Act for a period of six months.

[No. S-11017/1/2003-IR(PL)]

RAVI MATHUR, Addl. Secy.

नई दिल्ली, 9 मार्च, 2011

**का.आ.** 809.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि किसी भी तेल क्षेत्र में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविस्ति 17 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/10/97-आई आर (पीएल)]

रवि माथुर, अपर सचिव

New Delhi, the 9th March, 2011

**S.O. 809.**—Whereas the Central Government is satisfied that the public interest so requires that the service in the **Any Oil Field as Public Utility Service** which is covered by item 17 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a Public Utility Service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares **with immediate effect the said industry to be a Public Utility Service for the purpose of the said Act for a period of six months.**

[No. S-11017/10/97-IR(PL)]

RAVI MATHUR, Addl. Secy.